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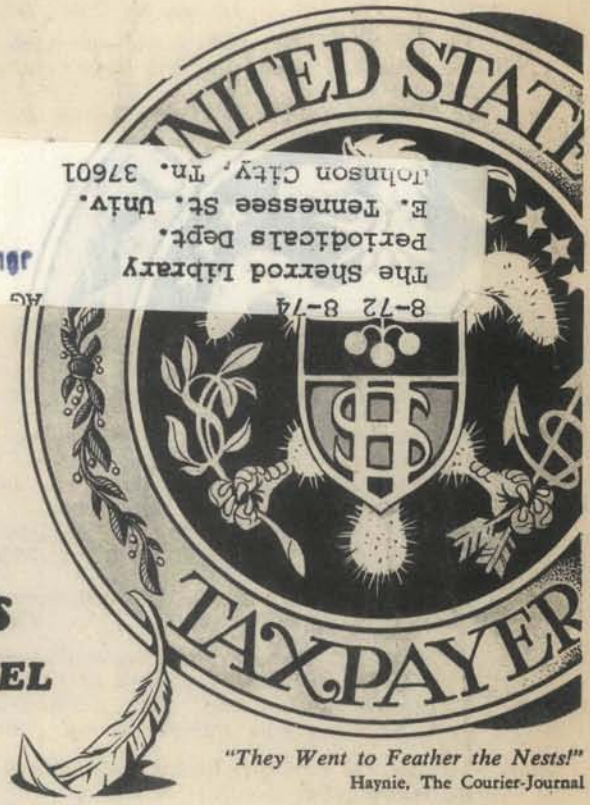

"They Went to Feather the Nests!"
Haynie, The Courier-Journal

San Clemente to Key Biscayne
A Land-Office Business
EDWARD A. & JAMES H. FOGEL

THE AMERICAN BAR ASSOCIATION **DAVID R. PAPKE**

Miasmas of Watergate
The Truth Is Bad Enough
RON DORFMAN

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LETTERS

perfectly clear

Middletown, Conn.

DEAR SIRS: Mr. Nixon claims innocence over Watergate. His record should show if he is the sort of man who does such things:

1946: He called Jerry Voorhis "the PAC candidate"—the Political Action Committee being allegedly Communist-controlled—and said Voorhis' voting record was "more . . . communistic than Democratic." The Communist paper had just said that Voorhis voted against them "on every issue." (*Voorhis*: Confessions of a Congressman; *1947.*)

1948: He alone on his committee wanted to investigate Hiss when there was still no evidence whatever. (*Nixon:* Six Crises; *1962.*)

His committee improperly leaked statements to the press. The second leak was openly done by Nixon. (*Hiss*: In the Court of Public Opinion; *1957.*)

1949: He threatened to subpoena jurors of the first Hiss trial—thus frightening jurors for the second trial. (Journal-American, *July 9, 1949.*)

He threatened the first trial judge with a "full investigation"—an obvious threat to the judge of the second trial. (*Ibid.*)

He said on radio, "I think the average American wanted all technicalities waived in this case." He wanted his way, even if it meant going against the law. (Tribune, *London, May 31, 1957.*)

1950: He compared selected votes of Helen Gahagan Douglas with those of Marcantonio, to make her look pro-Communist. Actually those votes didn't concern communism, which she opposed. (*Voorhis*: The Strange Case of Richard Milhous Nixon; *1972.*)

1952: He admitted receiving a secret fund from big businessmen, for routine expenses. (*Ibid.*)

He said, "Mr. Stevenson has a degree all right—a Ph.D. in the Acheson College of Cowardly Communist Containment." Both Acheson and Adlai Stevenson were anti-Communists. (*Ibid.*)

1960: He said, "A President's success is determined by his results rather than how he did it." (Time, *Jan. 25, 1960.*)

1964: He was involved, along with Haldeman, in dishonest campaigning in 1962. (The Nation, *May 28, 1973.*)

1968: He got elected by promising to end the war and the draft.

1969: He asked the FBI to make illegal telephone taps. Hoover insisted on written authorization from Mitchell. In 1971 Hoover found that this paper had been stolen from his files. (Time, *May 14, 1973.*)

1971: His aide Haldeman asked the CIA to undertake snooping of an illegal nature. It refused. (*Ibid.*)

His aide Ehrlichman set up the snooping team that later bugged Watergate. (*Ibid.*)

His aide Chapin set up a team to infiltrate and sabotage organizations of Democratic Presiden-

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EDITORIALS

The President as Sitting Duck

President Nixon may not be guilty of the assorted crimes and misdemeanors with which he has been charged, either directly or by implication, but he manages to act as though he were. Long before Watergate, a pattern of reaction to adverse personal criticism had emerged which Jan W. Leemhorst, president of a Los Angeles public relations firm that worked for CREEP, has described as follows (in the *Los Angeles Times*):

> Throughout his political career, Richard M. Nixon has shown an appalling lack of understanding of how to maintain public confidence. . . . An erosion of public confidence—even after his overwhelming mandate in the last election—was inevitable. . . . Consistently and apparently naively, Nixon has managed to set himself up as a sitting duck for adverse criticism. How does he do it? At each unfortunate incident or disclosure he first sticks his head in the sand and hopes the problem will go away. Then, when the problem does not go away, he makes a less-than-candid, evasive statement that is inevitably followed by further disclosures. Each successive step widens the credibility gap and makes explanations more and more difficult. A final emotional appeal hardly restores his dignity or public confidence.

That has been the character of his response to Watergate disclosures: an initial curt denial, then slight confessions, then more concessions—always in response to insistent probing—and finally the emotional appeal. After first brushing aside questions about the financing of his San Clemente estate, the White House finally issued a statement which raised more questions than it answered (see article p. 70). In the same pattern, the public was first told that government expenditures for "security" installations totaled $39,522. Over a period of weeks, in response to persistent questioning, the estimate was gradually raised and the total is now given as approximately $2 million for both San Clemente and Key Biscayne. Many similar responses to adverse personal criticism might be cited.

In view of this record, the President has only himself to blame if 71 per cent of those polled believe, as they do, that he did in fact know of the Watergate cover-up. It is now too late to erase this record; the damage has been done and it is irreversible. A loud editorial chorus insists that "only one man" can straighten out the confusions of Watergate and that that man is the President. But unfortunately the President could not, even if he were willing, now lay Watergate to rest. The case against him —given his initial evasions—rests on known facts and clearly established relationships which, given the nature of the cover-up plot, he is not in a position to rebut. His testimony, preferably under oath, subject to proper questioning, would be helpful but it would not be conclusive. The credibility gap, which his denials and evasions have created, is now too wide to be bridged by any assertion of innocence he might make. Only a confession—or possibly, depending on the contents, release of the relevant White House tapes—could restore his credibility. And it would not be like him to take either of those steps.

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Watergate U.

The implications of the Watergate revelations to date are, as Senator Baker puts it, "mind boggling." What has happened to our great experiment in self-government? Are the traditional political values still viable? Has the Puritan ethic been entirely superseded by the Success ethic? A library of books and studies will be based on the Watergate materials, but the task of evaluation transcends individual efforts and would seem to require a long-term institutional approach.

The magnitude of the task can perhaps best be indicated by indulgence in a private fantasy. Why not establish in the nation's capital a new type of graduate university, dedicated to intensive study of what *The New York Times* has called this "massive dossier of both detail and generality"? The curriculum of Watergate U. would be extensive. Traditional theories of the Presidency, Separation of Powers, Checks and Balances, Impeachment, Executive Privilege, Immunity, First Amendment guarantees and the like would be tested in terms of what the materials reveal. The impact of Vietnam and the cold war on American institutions and values would need to be explored in depth. Lobbying practices, the conduct of Congressional investigations, the functioning of the White House staff, the problem of "domestic security" and "political trials," the use of the military as civilian officials—these and many related subjects would come under the scrutiny of scholars. In each instance the traditional model would be compared with the Watergate disclosures.

But the curriculum would need to cover a much wider area. The materials raise profound questions about the functioning of American society as a whole, as a society. The sociological materials are incredibly rich and varied and invite continuous study under such headings as: organizational types, their social and family backgrounds, education, outlook, values; the kinds of women they marry (Mo, Suzie, Patty, Deborah, Martha, Carol, Jeanne, Gail and the others); their life styles, how they saw themselves "pre-situation" and how they see themselves "post-situation."

The case histories of Jeb Magruder, Robert Alan Fernon Reisner, Herbert L. Porter, Dwight Chapin, Ronald Ziegler, John Dean and Egil Krogh warrant close study. Intriguing questions keep rising from the materials; for example, does the Christian Science creed (Haldeman, Ehrlichman, Krogh) give proper stress to social values? Above all, how account, as Michael Davie of the *Observer* of London notes, for the "pall of moral blindness" and "moral squalor" which the materials reveal? Note some exceptions (Hugh Sloan, for one), but in general most of the participants up to and including the President seem incapable, even now, of recognizing the moral implications of their actions. Obviously the scramble for success in an organizational society breeds envy, resentment, subservience and fear; "making it" becomes the one imperative. But was the traditional training adequate to begin with? John Mitchell does not project the image of an evil man; he comes on as a moral zombie. One must assume the existence of fundamental faults in a society that produces such types in such profusion and permits them to rise so fast, so high, in governmental structures.

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One needs a glossary to understand testimony studded with such expressions as: "time frame," "ATPIT," the acronym for "at that point in time," "stonewalling," "stroking," "signing on (off)," "brought up to speed on," "inoperative," "surreptitious entry," "briefing and debriefing," "deep six" and many others (see "Watergate: A Primer" by Helen Dudar, *New York Post*, June 30; Stewart Alsop, *Newsweek*, July 16). Dita Beard was not kidnapped; she was "taken with or without her consent" to Denver, etc. Among other things, the materials suggest that a great mistake was made some decades back when "civics" was dropped from high-school curricula.

Watergate U. is, of course, a fantasy but if the importance of the Watergate materials is to be fully realized it will require a thorough and sustained exploration. If we are to find out what happened—what the materials mean—then these materials must be sorted out, cross-indexed, compared, verified, discussed, debated, assembled and reassembled and finally used to shape a theory, as Mr. Davie put it, of how in their pursuit of power and success the Nixon crowd found themselves involved in a plot to subvert the American system of democracy. This will not be a weekend task nor should it be indefinitely postponed.

The Godley Nomination

President Nixon, who has portrayed himself as a "strict constructionist" of the Constitution, is furious because the Senate Foreign Relations Committee refused by a vote of 9 to 7 to confirm G. McMurtrie Godley, former ambassador to Laos, as Assistant Secretary of State for East Asian Affairs. Yet under the Constitution, the Senate is required to advise the President on appointments of this character, and to confirm or reject in accordance with its best judgment. The fact that in the cold-war years it has seldom rejected Presidential nominations for ambassadorial and State Department posts has nothing to do with the present case.

Given the prevailing sentiment in Congress, and very likely in the country, on Laos, Cambodia and Southeast Asia in general, the Foreign Relations Committee acted wisely in rejecting the Godley nomination. It felt, with sound reason, that with new policies shaping up, Godley was not the man to head the East Asian desk. He is a hawk of hawks, a doctrinaire "anti-Communist" trained by Allen Dulles. The notion that he is being punished for "simply carrying out policy" is unalloyed nonsense. He was a policy maker in Laos and as Assistant Secretary of State, he would have become even more influential. As a matter of fact, a spot check by *The New York Times* found a "surprising number" of foreign service officers who agreed more with the Senate committee's action than with Secretary Rogers' criticism of it.

Attempts to equate the Senate committee's action with the witch hunting of foreign service officers in the 1950s are both silly and misleading. The "old China hands" of that period were hounded out of the service as part of a general attack on the State Department. They were not appointees seeking confirmation by the Foreign Relations Committee but victims of purges being conducted by other committees of the Congress. By contrast, the Senate Foreign Relations Committee turned Godley down on the basis of his record in Laos, and it did not try to drive him from the foreign service. It merely asked Mr. Rogers to give him an assignment unrelated to Southeast Asia.

At the same time, the committee, after stalling for weeks, confirmed William Sullivan as ambassador to the Philippines (see our editorial "Perfectly Clear," June 25). Sullivan won confirmation by a vote of 12 to 3, with Senators Fulbright, Symington and McGovern voting "No." His nomination probably would have been rejected but for the active intervention of W. Averell Harriman in his behalf. During the period that Godley and Sullivan served as our ambassadors in Laos (1964-73), 2 million tons of bombs were dropped on that land of peasants. Sullivan testified that the justification for the bombing of Cambodia was the re-election of President Nixon, much as the former Attorney General would have us believe that almost any crime would have been justified to attain the same end. Asked if he thought the President "has the right to put U.S. military troops in airplanes over a foreign country . . . and direct the bombing of that country," he answered, "Yes, sir." Now Mr. Sullivan will be our man in Manila at a time when the Philippines are caught up in perilous currents of social, economic and political unrest. His record in Laos disqualifies him for this post for exactly the same reasons that Mr. Godley's record in Laos disqualified him for the East Asian desk. The Senate Foreign Relations Committee should have been consistent and rejected both nominations.

Signs and Marvels

At the start of an interview in which he wondered whether some of the mishaps that befell him during his 1971 campaigning were really accidents, former Rep. Allard Lowenstein weighed the risk of fostering hysteria against that of "sinning by silence," given the recent "horrors" that have been uncovered in Washington.

Much as we admire Mr. Lowenstein, we question whether that is the true antithesis. The choice is not inevitably between beating the drums of panic or remaining dumb; there is also the possibility of uncovering the truth by patient, imaginative, courageous digging. In the case of Watergate, that is how it is being done.

And as Ron Dorfman implies in this issue (p. 73), the danger is not merely that people begin to see hobgoblins in every thicket; it is that hobgoblins may become domestic familiars. If today you can entertain the suggestion that an airline captain was fed cyanide as part of the Watergate cover-up and tomorrow that Marilyn Monroe was murdered to spare the Kennedy family an embarrassment, then you will adjust easily to the notion that Mr. Nixon—secretly, perhaps illegally—recorded all of his phone conversations with other elected officials, to say nothing of foreign dignitaries. Human beings are the most adaptable of animals—it is their great strength but also a peril.

In the Middle Ages man lived in a world of signs and marvels, a prey to every portent and the gull of every soothsayer. Americans today are in the unhappy state of being unable to trust or believe their President and the men around him; in that predicament, they will save themselves needless distress by demanding that reports of chimera sightings be documented.

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The Rhode Island Swindle

Among other nifty tricks in the 1972 campaign, the Committee to Re-Elect the President hoodwinked Rhode Island voters with a fraudulent advertising campaign. On a TV commercial, a hand would appear from off screen to sweep a collection of toy ships and planes helter-skelter off a table top, as a voice said: "A vote for President Nixon will keep America strong." The hand, by obvious inference, was that of George McGovern. McGovern disposed of, in April of this year the Department of Defense announced plans to close or reduce operations at some 275 domestic military base installations, including a decision virtually to sweep the Navy out of Rhode Island.

Despite a Navy payroll of $344 million, about the size of the state budget, Rhode Island had an unemployment rate of 6.4 per cent. Now, nearly 17,000 Navy personnel will be leaving, and some 5,000 civilian jobs will be wiped out. When Gov. Philip Noel says the state faces "absolute economic disaster," he is not exaggerating much.

Yet other localities face similar trouble. Within the United States a million federal civilian employees and 1.5 million uniformed military personnel are located on about 500 major military bases. These bases are dispersed throughout the states and involve payrolls of $20 billion per year, half civilian and half military. So it is high time voters learned the score about campaign promises. In Rhode Island, hack politicians are still trying to play them for suckers. Now the argument runs that, although the normally Democratic state went Republican this time, it didn't go Republican enough. Democratic Sen. Claiborne Pell held on to his seat, defeating John Chafee, a former Secretary of the Navy. "Can you imagine those bases being closed if Chafee had been elected to the Senate?" one of Noel's aides has been asking.

Actually the closing of a military base need not be a disaster. In recent testimony before a Congressional subcommittee, Seymour Melman, professor of industrial engineering at Columbia University, had occasion to repeat his familiar plea for adequate planning to aid conversion of military bases to civilian uses. The imperatives are advance preparation, usually in the range of one to three years; assumption of responsibility on the part of both the Pentagon and the communities and states involved, and a sound plan. Melman cites the case of the New York naval shipyard as a classic example of what *not* to do. A "Save the Shipyard" committee was formed to exert political pressure to maintain the facility, instead of urging adequate planning for the inevitable closing and conversion. Other examples abound. In California, aerospace employment dropped from a high of 616,000 to a low of 434,000 in the 1970-71 period. A variety of retraining programs were grandly announced, at a cost of $9 million in federal funds, to pick up the employment slack. Now it develops that unemployed aerospace workers have been trained for jobs that do not exist.

Wherever there are such installations, Congress should require effective advance planning by the Pentagon in cooperation with the local community, based on adequately funded, professional economic surveys, for alternative civilian uses. Not only should the economic well-being of the community be protected against sudden termination of the facility but individual defense employees should be insured transitional income, provision for moratoria on mortgage and other credit payments, and family relocation allowances when necessary. The prime requirements are enough time to prepare sound conversion plans, and recognition of the obligation of government to minimize the dislocations inherent in the nature of military and military-industrial activity. It would help, too, if affected communities would wise up and not believe everything politicians say in campaign years.

Anticipating the Bicentennial

On October 20, 1972, two of Mayor Frank Rizzo's top law enforcers exerted themselves to make a mockery of the Spirit of '76. Within the shadow of Independence Hall, they put on an exhibition of contempt for the Constitution—specifically "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Finally, however, the law has caught up with this travesty of law enforcement: in a 21-page opinion and order handed down by Federal District Judge Daniel H. Huyett III, the officers involved, Lieut. George Fencl, commander of the Civil Disobedience Squad (a revealing name), and Police Commissioner Joseph O'Neill, were held in contempt, and the Philadelphia police department is the defendant in a $1.6 million suit by illegally arrested demonstrators.

The occasion was a political visit to Philadelphia by President Nixon, the good friend of Mayor Rizzo. The President chose to sign the Revenue Sharing Act at Independence Hall, calling attention to his largesse to the city and state. Certain citizens gathered on Independence Mall, across from the Hall, with signs protesting the continuance of the Indochinese war. Although this area, well away from the platform from which Mr. Nixon spoke, was supposedly open to the public, the police arrested those carrying signs, and prevented other sign carriers from entering the Mall.

Since the intentions of the police had been proclaimed beforehand, the protesters filed a complaint and a motion for a temporary restraining order in federal court on the morning of October 20. The court, after meeting with counsel for both sides, issued the restraining order at 12:40 P.M. But Fencl and O'Neill, presumably with the approval of Rizzo, disregarded the order, although the demonstration was entirely peaceful and, in the words of Judge Huyett, "There was no factual basis to justify any of these arrests as necessary to the security of the President or other dignitaries. . . . None of the information supported the conclusion that any of these plaintiffs would be involved in an illegal confrontation. . . ."

The President may have had nothing to do with the illegal actions of the police, but it was in line with his known intolerance of demonstrations. Rizzo's is a different case. His version of law and order, as a former police commissioner and now a Mayor, is simply to push constitutional guarantees to one side and crack down. The affair is still another bad augury for the fast approaching second centennial; at the same time it is encouraging to note that some judges still adhere to both the letter and spirit of the Constitution.

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SAN CLEMENTE TO KEY BISCAYNE

DOING A LAND-OFFICE BUSINESS

EDWARD A. and JAMES H. FOGEL

The Watergate disclosures have been shocking enough but if, in addition, Mr. Nixon has used his high office for his personal financial advantage, additional doubts arise as to whether he should continue as President. At the very least there should be a full disclosure and independent investigation of these less than arm's-length transactions. How did Mr. Nixon accumulate his sizable fortune—he reported $765,000 in 1972 as against $28,000 in 1952—when most of his adult life has been spent in elected office or campaigning for office?

The recent disclosure that the President had sold two Florida waterfront lots, which he had bought for $53,100, to his friend William E. Griffin for $150,000 raised serious questions about the propriety of the President's accepting such disguised gifts. But the figures in a previous transaction reveal an even larger gift from another of his millionaire friends, Robert Abplanalp.

On May 25, the White House issued an "explanation" of how the Nixons financed the purchase of their San Clemente property. According to the statement, the Nixons bought, in July 1969, a 26-acre plot, including a house and other improvements, for $1.4 million. Two months later, they bought 2.9 acres of adjoining unimproved land for $100,000. Therefore, if you assign no value to the house and improvements which were part of the purchase, the average cost per acre was just under $52,000. In December 1970, the statement continued, the Nixons sold 23 acres surrounding the house—all unimproved land—to Mr. Abplanalp for $1,249,000—about $54,400 an acre. This left the Nixons with 5.9 acres, including the house, for which they had paid a total of $251,000 (exclusive of improvements they later made), or $42,600 an acre.

If there is nothing more to the transactions, as the White House implies, one would have to conclude that the house the Nixons bought as part of their land purchase *reduced* the value of the land retained by the Nixons by 22 per cent—from $54,400 (the cost to Mr. Abplanalp) to $42,600 (the cost to the Nixons). If, on the contrary, one assumes that the house does have a value, the disparity becomes even greater. If the value of the house and the improvements, such as landscaping, driveways, utilities and the like, were as little as $100,000 (and it is almost certainly more) the Nixons' cost for the 5.9 acres of land, exclusive of the house, would be $151,000 or $25,600 an acre—less than half of what Mr. Abplanalp paid for equivalent land less than a year and a half after the Nixons bought it.

The logical inference from the figures is that Mr. Abplanalp, in paying the Nixons substantially more than the land was worth, was making a gift to the President. Calculating the exact value of the gift is somewhat speculative without knowing the actual value of the Nixons' house, but an index for calculation is available. When the Nixons bought 2.9 acres of adjoining unimproved land in September 1969, they paid $100,000, or $33,500 an acre, in an ordinary arm's-length transaction. If this $33,500 represents the actual value of the land (and in fact a buyer of substantial acreage usually pays *less* per acre than the person who buys only a few acres), Mr. Abplanalp, who paid $54,400 an acre, overpaid by $20,900 an acre, or about $480,000 for the whole 23 acres.

Also unexplained is the financing of the purchase. After securing a mortgage of $1,080,000, Mr. Nixon needed $420,000 for the down payment on the $1.5 million purchase price. He borrowed $625,000 from Mr. Abplanalp on his personal promissory note (which gave Mr. Nixon $205,000 in cash over his initial payment). Borrowing $625,000 on an unsecured note cannot possibly be considered an arm's-length transaction or a proper one for a President of the United States.

The White House statement raises more questions than it answers: Did Mr. Abplanalp, in fact, ever declare the $480,000 as either a gift or a political contribution and pay tax on it as such? What is the propriety of the President's accepting a loan of $625,000 unsecured by anything but his personal note? Was the interest due ever paid on the personal loan from Mr. Abplanalp? If it was not, Mr. Abplanalp should have paid a gift tax on that. Are there any financial or other arrangements between Mr. Abplanalp and Mr. Nixon that would cast light on this apparently very one-sided transaction? Other disturbing questions concerning Mr. Nixon's personal business remain unanswered.

¶What was the justification for the improvements made at government expense to the property of Mr. Nixon and his friends at Key Biscayne in the amount of $1,180,522, and to the San Clemente property of $703,367? These amounts exclude the $400,000 spent for a helicopter landing pad, requested by the executive department, despite the fact that there is a similar facility 2 miles from the Key Biscayne complex.

¶What are the terms of the lease made by the government with Mr. Abplanalp and Mr. Rebozo of part of the Key Biscayne compound? What was the cost of the property? How much did Mr. Nixon pay for his Key Biscayne property and what was its real value at the date of purchase?

¶How does Mr. Nixon explain his purchase of a vacant lot in a Beverly Hills, Calif. development in 1961 for $35,000, although the Teamsters' pension fund held a $42,000 mortgage against the property, which mortgage was canceled? The asking price for an adjoining lot was $99,000. In July 1963 Mr. Nixon sold his still unimproved land for $86,000.

On March 27, 1969, Mr. Nixon, according to his attorney, made a "gift" of part of his personal papers

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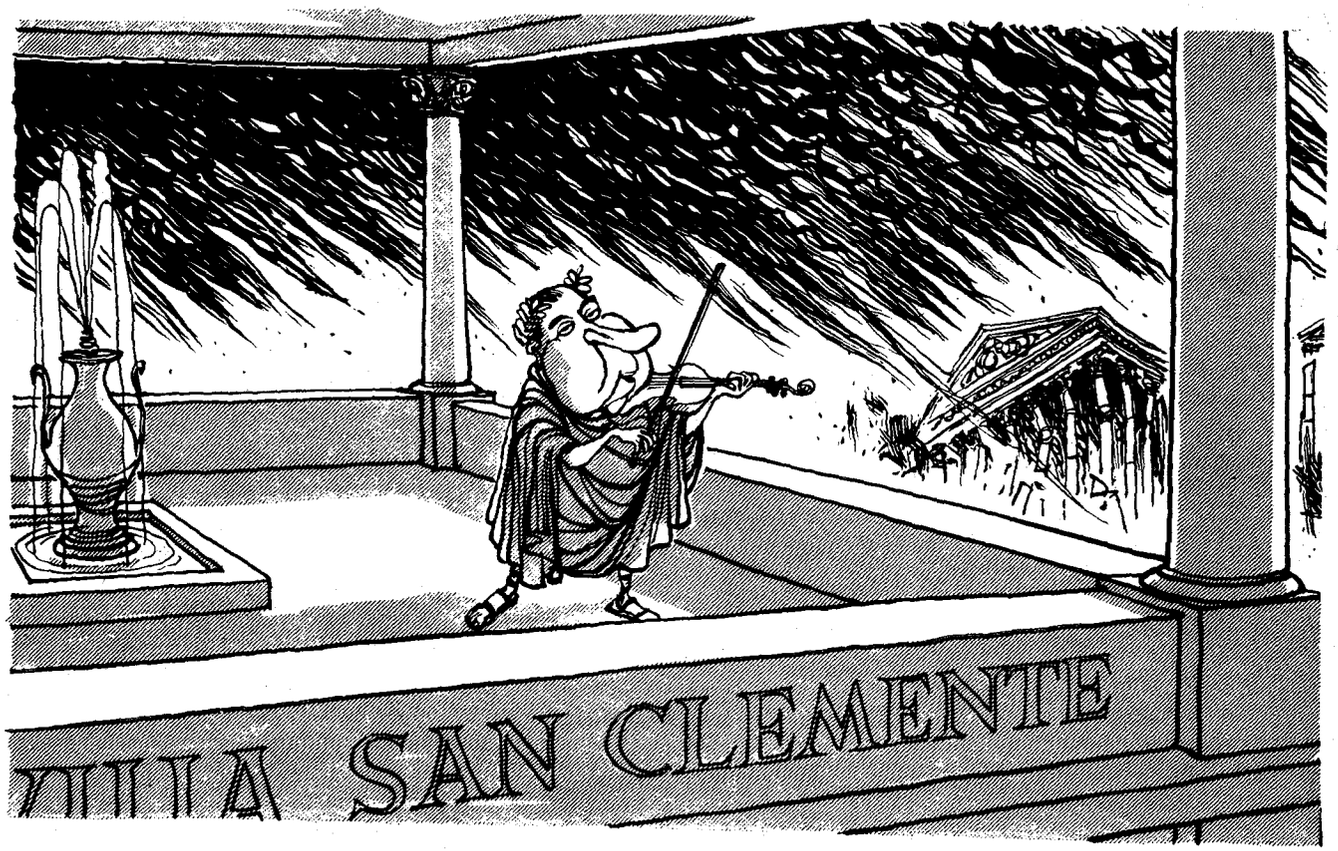

Oliphant, The Denver Post

"Oh, Well . . . at Least the House is Paid For!"

accumulated as Vice President to the National Archives for eventual deposit in a proposed Presidential Library. The gift of these papers resulted in a $570,000 income tax deduction for Mr. Nixon, even though, had the gift been made after July 25, 1969, there would have been no deduction, the tax law having been changed. Did the IRS make an independent appraisal of these Vice Presidential papers? In 1969, were Mr. Nixon's papers worth $570,000—on what basis?

A gift is not completed for tax purposes until delivered and accepted by the donee. Was there a formal written acceptance of the papers by the National Archives and when was it made? If the acceptance or delivery was made after July 25, no tax deduction should have been allowed. What is the propriety of a President making such a gift two months before a change in the tax law became effective (the law had been passed before the gift was made) and receiving so substantial a tax deduction?

The authors of the Declaration of Independence set a high standard in their requirement for "a Decent Respect to the Opinions of Mankind." Presidents as well as kings violate that standard at their peril. □

'PART OF THE JOB'

THE BRAZILIAN DEATH SQUADS

JEFF RADFORD

From time to time, the Brazilian Death Squad enjoys an immense popularity, fed by the vicarious participation of millions of city dwellers who can feel their own fingers on the trigger as their favorite lawmen send bullet after bullet ripping into the body of some captured criminal. When a veteran car thief is caught, driven along a lonely road at night, tortured with cigarette burns, slowly strangled, then perforated with .38 slugs and dumped into a river, the executioners—often respected and highly placed public servants—know the city is applauding.

Approval for such police atrocities stems mostly from a source of frustration well-known to Americans: the inability to contain or diminish crime. The Death Squad, the *Esquadrão da Morte,* is Brazil's answer to a crisis brought on by a sluggish, antiquated judicial system, insufficient funding for public security, poor methods of

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police selection, inadequate training programs and the persistence of unpopular laws. Again, the list of complaints echoes those that have been heard for some time in the United States.

During its fourteen years of existence, the Death Squad, composed of informal, self-appointed execution teams of off-duty policemen, has killed at least 1,000 citizens thought undesirable. ("Conservative" estimates have put the tally as high as 1,500 dead.) Although such killings are entirely illegal—in fact, murder—cops on the beat, police chiefs and even higher civic authorities decided some time ago that summary execution was the only effective way to rid society of incorrigible troublemakers. Since the established legal system had obviously failed to stop crime, the practice of murdering any gangsters who were apprehended became socially condoned.

At last, however, public sympathy with these gross abuses of civil rights seems to be cooling. This summer, five former Brazilian policemen are being tried for Death Squad executions. In May, a thirty-one-year sentence was passed on a former São Paulo officer, Geraldo Georgino das Neves, found guilty of killing two petty criminals. Cases against more than fifty former and current policemen are under way throughout Brazil. One of the ex-officers on trial this month is accused of thirty-nine such murders.

Embarrassed by reports published abroad about such atrocities, the Brazilian Government began a hesitant crackdown on the Death Squad in 1970, some twelve years after the movement started. By the end of 1972, preliminary charges had been brought against more than sixty officers or other public servants. Even so, the government was proceeding cautiously, since the military regime ruling Brazil by no means wished to hamstring or alienate its police force.

Interviews with Brazilian officers suggest they still feel that the Death Squad gunmen deserve immunity, since they are performing a service necessary to society.

Indeed, it appears that if the officers were providing the same *quality* of service that earlier executioners had offered, today's killers probably *would* enjoy immunity. In the early days of the Death Squad, big-name villains, comparable to Al Capone or Willie the Actor Sutton, were the victims of Brazilian police. More recently, the slaughtered criminals are apt to be small-time lawbreakers, comparable to the kid next door who is hauled in for marijuana possession. In fact, the officer sentenced in May had apparently murdered a drug peddler who had failed to keep up his protection payments.

Executions by police were approaching depravity. According to court records, two officers speeding away from an execution on April 17, 1971, argued over how many murders they had carried out. Witnesses testified to the following light-hearted quarrel: forty-one, said the first officer; forty-two, insisted the other. To resolve the matter, the policeman driving aimed the car at a pedestrian on the curb, and killed Olivio Wandermuren. O.K., forty-two, said the driver.

Besides such disregard for human life, the executioners in recent years seemed to delight in gruesome, sadistic, macabre killings. The Rio de Janeiro Death Squad acquired a public relations man, called "The Red Rose," who telephoned newspaper editors to announce the latest executions. During one of the conversations with police reporters, the anonymous voice admitted excitedly: "I get an almost sexual pleasure out of seeing a .45 slug crash into the body of a criminal, with the blood gushing from the hole like a red rose from the earth."

Death Squadron Corpse
"The Skull Is on the Loose"

When reporters followed up these tip-offs, they would find car thieves, or drug pushers or racketeers strangled with a thin nylon cord, hands tied behind the back and a bullet through the brain. Pinned to the corpse would be a hand-lettered sign saying, "I was a robber of automobiles," or "I was going to rob a bank," or some other pseudo-confession. Often fingers and other identifying parts of the body were lopped off. The victims were sometimes doused with gasoline and burned to hinder identification, but this did not indicate that the killers were ashamed of their work. On the contrary, the mangled corpses were frequently displayed in public sites. One was propped on a park bench, to await discovery by passers-by at dawn. Another was placed in a car halted on Rio's main speedway.

In the late 1960s and into the 1970s, the bodies would be identified as Death Squad handiwork. A crude skull and crossbones above the letters "E.M." (*Esquadrão da Morte*) would be drawn on a placard which was tied or pinned to the corpse. Such explicit boasting seems, however, to have worked against the assassins. Executions had been occurring for more than a decade without drawing substantial public condemnation. As long as higher authorities were not forced to recognize the existence and deeds of the Death Squads, the police were left to carry out their underworld cleanup operations in their own manner.

In Brazil's two largest cities, industrial São Paulo and touristic Rio, the police grew too bold. In 1970, when the respected São Paulo police investigator, Agosto Gonçalves, was killed by criminals, members of the force made no attempt to hide their parts in the massacre which followed. By this time, the "Ten for One" dictum had become a basic tenet of police work in Brazil. At the

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uneral for Investigator Gonçalves, his colleagues fired their ervice revolvers into the air and vowed that ten criminals would die to square accounts. To fulfill the oath, eight prisoners were taken out of a local penitentiary and executed. The São Paulo police completed their retaliation with another nine assassinations.

At last the federal government stepped in. Brazil's president, General Emílio Garrastazú Médici, began striking suspected officers from police rolls in September 1971. The Death Squad came under investigation in the five states where it was said to be operating. In Rio, a special telephone line was set for informants to make anonymous denunciations. Respected public prosecutors in Rio and São Paulo were assigned to investigate and bring indictments against whoever was besmearing the image of Brazil.

In no time, investigators established Death Squad links to generals, chiefs of state security forces, the chief warden of a state prison, even a state governor. But when the prosecutors looked too far up the chain of power, they were transferred, fired, demoted or ridiculed by higher officials. By the summer of 1972, higher authorities evidently felt the probe had gone far enough and the special Death Squad prosecutors were relieved of their duties. The cases they had developed were fed into the regular judicial bureaucracy to be handled as normal homicides.

However, the aborted crackdown had netted at least sixty possible defendants, mostly members of the Rio and São Paulo forces. Among them were officers with national reputations. One of these, Sergio Paranhos Fleury, had gained fame as the country's number-one anti-terrorist after he organized the ambush which killed the legendary leftist guerrilla, Carlos Marighela.

Although several officers have already been convicted and sentenced for Death Squad assassinations, it is not uncommon for civic authorities to deny that such a movement has ever existed. A few years ago, when São Paulo policemen killed thirty criminals in revenge for the shooting of an officer, the state secretary for public security denied publicly that a Death Squad was at work; the police were merely giving citizens the kind of protection they deserved. The common explanation for the hundreds of corpses was that they were victims of gang rivalry.

Brazilian police feel martyred. Few officers will admit to Death Squad activities, but many hasten to add that whoever *is* killing the criminals deserves praise, not condemnation.

"Every time crime starts really getting out of hand, the Secretariat [for Public Security] sets up a special group," said one of the veteran Rio lawmen interviewed. "But still we wind up getting prosecuted for doing the job. Every good cop has been charged with murder. It's part of the job." Referring to a fellow officer accused of five executions, he explained: "O.K., maybe he killed some crook, but that doesn't mean he isn't a fine cop and didn't have society's interests at heart. When you look at all the good he has done for society, the bad part is totally insignificant."

As long as this attitude prevails among Brazil's officers, the Death Squad is unlikely to be eliminated; governmental crackdown will only slow the momentum of such atrocities. In fact, another five Death Squad-style assassinations were discovered outside Rio during the first weekend of June. □

MIASMAS OF WATERGATE

THE TRUTH IS BAD ENOUGH

RON DORFMAN

Chicago

Last year, I asked a psychiatrist friend to read a tract which purported to prove that the defendants in the Chicago conspiracy trial were actually government agents under deep cover, and that the entire event was part of a CIA plot to discredit the Movement. Having read the tract, he said: "I suppose you want me to say that whoever wrote this is paranoid, but after the Pentagon Papers and this Watergate business, I don't know what to think any more."

It is disturbing to reflect that that conversation took place *before* "this Watergate business" was known in its seamier particulars. One measure of the effect these exposures have had on what is thinkable is the widespread acceptance of a theory put forward by Sherman Skolnick —the man who earlier wrote the tract about the conspiracy defendants—concerning the crash of United Air Lines Flight 553 last December 8 near Chicago's Midway Airport. Forty-five persons were killed in the crash, including Dorothy Hunt, the wife of E. Howard Hunt; CBS reporter Michele Clark; and two lawyers for the Northern Natural Gas Co. of Omaha. Mrs. Hunt was carrying $10,000 of the Watergate gang's supply of $100 bills. Skolnick claims that the plane was sabotaged to silence the two women, who he says were about to expose the Watergate cover-up, and the two lawyers, who he says were carrying documents that would implicate John Mitchell in yet another conflict of interest.

Participants in the sabotage and its cover-up, Skolnick claims, include the CIA (or at least a faction thereof), United Air Lines, the Department of Transportation, an alleged group of air pirates known as the Sarelli gang and *The Washington Post*. The methodology supposedly included cyanide poisoning and tampering with the plane's altimeter.

The sabotage theory is utter nonsense. Ronald Kessler

Ron Dorfman is editor of the Chicago Journalism Review, *which Sherman Skolnick says is a CIA front.*

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of *The Washington Post* and Connie Rosenbaum of the *St. Louis Post-Dispatch* both checked Skolnick's "facts" and found them false, misleading or irrelevant. But the story continues to gain ground, particularly in the alternative press (Art Kunkin of the *Los Angeles Free Press* and Carl Oglesby in the *Boston Phoenix*, among others, are advocates). *The Village Voice*, in a story generally debunking Skolnick, got stuck on the Cook County coroner's report that the pilot's blood contained cyanide in the amount of 0.211 milligrams per milliliter (an incredibly high figure), which in turn impressed syndicated columnist Harriet Van Horne. The coroner's office had never done the cyanide-testing procedure before (only for the past two years or so have plane crash victims been routinely tested for cyanide, which is produced in the combustion of plastics commonly used in airliners). Dr. Paul W. Smith, chief of the Aviation Toxicology Laboratory of the Civil Aeromedical Institute in Oklahoma City, says he and the coroner's office "got into a hassle about some of the values they found."

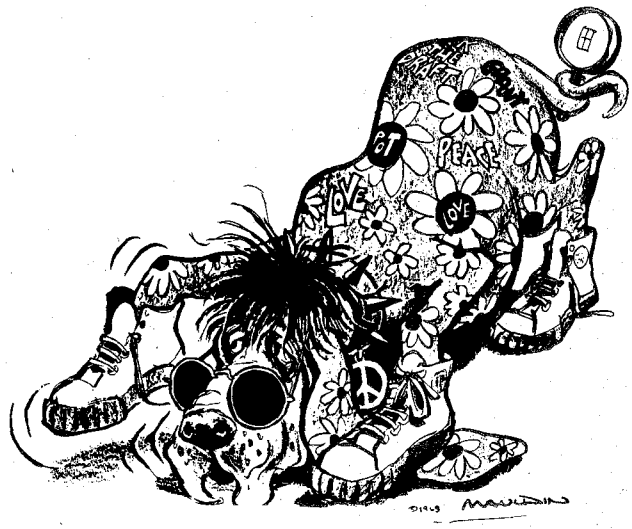
"We were very unhappy, and frankly don't know how they did their measurements," he said. "They picked up cyanide in ten or twelve victims and they were all very high. Then they realized they probably made an error, which they interpreted to be a decimal error, and they altered their report [to the National Transportation Safety Board]. In moving the decimal their figures became innocuous—all less than one microgram."

Dr. Smith independently analyzed a blood specimen from the pilot's body and came up with a reading of 3.9 micrograms per milliliter (less than 2 per cent of the coroner's original figure)—which is the highest blood cyanide reading he has ever recorded in a crash victim, but well within the range that might be expected. A research toxicologist I consulted confirmed that while a concentration of 3.9 micrograms is more than enough to kill, it is quite possible—depending on the concentration of cyanide gas in the air and the physical condition of the victim—to inhale that much before death occurs.

It's distressing that so much of the Left is a pushover for conspiracy theories like those of Skolnick, which taken all together (there are dozens of them, all pointing somehow toward the CIA) are easily seen to bear no more relation to reality than the fluoridation-metro government-sex education conspiracy fancied by the kooky Right.

All right, the CIA *is* a secret organization, it has apparently limitless funds, it is in the business of plots and counterplots, intelligence and dirty tricks. We know that it has more than once become involved in domestic politics. All of which indicates to me that the CIA is dangerous and that it ought to be reformed or abolished. To carry that out effectively, we need to know as much as possible about how the agency works and what it does. What we don't need is to carry around a mental picture of the agency as the omnipotent Elders of Zion.

Watergate, as Garry Wills predicted, has reinvigorated the conspiracy buffs. The assassination of President Kennedy has been turned into a *roman à clef* (*Executive Action*) by Donald Freed and Mark Lane, which has been made into a major motion picture starring Burt Lancaster, Robert Ryan and Will Geer. That treatmen fills in the lacunae of the available knowledge about th assassination with frankly fictional material—what its pro moters call a "novel of fact." Boston's *Real Paper* ha published a chart purporting to show the "links" betwee the Bay of Pigs operation, the Kennedy assassination an



Watergate. Norman Mailer has resurrected the theory tha Marilyn Monroe was assassinated by the CIA because o an alleged compromising liaison with Robert Kennedy Philadelphia's *The Drummer* relies on Oglesby, Skolnick a San Francisco researcher and *Realist* writer named Mae Brussell, and a former associate of Jim Garrison tc conclude—well, exactly what is not clear, except tha there may be a massive conspiracy that goes back as fa as World War II and the beginnings of Richard Nixon's political career and which may have included an aborted self-destruction of the Republican National Convention, so that Nixon could blame it on his enemies and declare martial law.

It's possible, of course, that that plot will provide tomorrow's headline in *The Washington Post*. In the summer of Senator Sam we must resign ourselves to the fact that there is very little we can say with certainty the Nixon gang could not have contemplated. But we do not need to surrender our judgment, as Oglesby suggests we might do with profit, to the poetic truth of paranoia. Defending Skolnick against the *Post*, Oglesby advises us that he is a "sleuth," the kind of person who goes "to the edges":

> You challenge everything. Everything is a potential clue and should be turned over. Nothing is what it first seems. Meanings are scattered everywhere in fragments. The world is a jumble of true and false significations. The reporter naturally tends to see the result as madness.
>
> Rather it is how the sleuth functions like an artist to find the path of his most trustworthy intimations. Looked at apart from this purpose, this style of thinking seems to remove all limits, liberate all paranoias indiscriminately, and so destroy reason. But always remember that the practical sleuth, a lyrical practitioner like Skolnick perhaps especially, uses his craziness as a means of getting deeper into realities, into concrete events, not as a means of escaping them, and that he constantly forces refutation to speak in the struggle itself.

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Surely Oglesby knows the difference between a hypothesis and an opinion. We all let ourselves "think . . . outrageous things," but not all of us believe that, having thought them, we are thereby entitled to publish them in a manner which suggests reasoned opinion and conclusions based on fact. We must test our hypotheses against reality, and the seeming sophistication of Oglesby's endorsement of the utility of paranoia ("Skolnick is not . . . a fool. He has seen to the busting of some smart, strong folks within quite recent memory") vanishes in the light of evidence. Skolnick worked with newsmen to bring down two justices of the Illinois Supreme Court and federal appellate Judge Otto Kerner. But these—despite the high positions of the three judges—were conventional exposés of the kind Chicago newspapers thrive on, and Skolnick's investigative techniques were not different, except less disciplined, from those of local reporters who have done hundreds of equally significant exposés. In no instance has any of Skolnick's charges against Movement figures, or in connection with larger affairs of state, been found to rest on any base of reality. And if Oglesby means, when he asserts that Skolnick "forces refutation to speak in the struggle itself," that more of the truth emerges when wild fantasies are investigated seriously (and I cannot imagine what else he might mean), I can only respond that I've got better things to do with my time. Oglesby of all people should recognize the difference between a useful premise like his own discussion of the Yankee-Cowboy power struggle and mere ranting.

In his admirable essay, "The Paranoid Style in American Politics," Richard Hofstadter observes that "We are all sufferers from history, but the paranoid is a double sufferer, since he is afflicted not only by the real world, with the rest of us, but by his fantasies as well." We have learned from John Dean and others just how deeply obsessed the Nixon White House was with the "enemies" of Richard Nixon, who were perceived to be uniquely clever and powerful and who ranged over the entire spectrum of American politics. Is the President's madness to be answered only in kind?

I think there's a better way. Watergate lies somewhere along the scale between national tragedy and national joke. Let Philip Roth and Art Buchwald entertain us with their fantasies, but let us abstract from Watergate some practical civil libertarian politics for the 1970s. The massive media blitz on Watergate has given unparalleled national exposure to the totalitarian implications of secret surveillance, dossier-keeping and the use of law-enforcement agencies and techniques to procure political intelligence. I can't imagine that there will ever be a better time to remind citizens of the local, state and national witch-hunting police and legislative agencies that spy on them and make frequently absurd judgments as to what is acceptable and what unacceptable in political life. Why not use Watergate as a spur to begin, perhaps with a national conference early next year, a campaign to abolish the political police in every community in this country by 1984? Now *there* is a fantasy worth savoring. □

VERY QUIET, VERY POWERFUL

THE AMERICAN BAR ASSOCIATION

DAVID RAY PAPKE

The American Bar Association is the country's largest dues-paying voluntary professional organization, and it is not only large but powerful. Without anyone really noticing, it has developed during the last twenty years into a complex body with sections, committees and projects stretching into every state and responding to almost every conceivable legal problem. This year its annual convention is being held in Washington, from August 2 to 9. And this year Ralph Nader is holding an "alternate"—read dissenting—legal convention, also in Washington, on August 4 to 6. Called "Verdict on Lawyers," it will be addressed by Ramsey Clark and will go into matters of cost and social usefulness not favored for public discussion at ABA gatherings.

In the words of Leon Jaworski, Houston corporate lawyer and former ABA president, the association is engaged in a "seamless web of activity in the interests of the public and the profession." It has working relationships with a host of government agencies and departments, including the Attorney General's office, where the ABA investigates every candidate for a federal district or circuit judgeship. And it has given birth to the American Law Institute, the National Conference of Bar Examiners, the American Bar Foundation, the Association of American Law Schools and the National Association of Attorney Generals. Several years ago, the ABA even served as a model for the Canadian Bar Association.

The country's 300,000 practicing lawyers belong to 2,000 technically independent state and local bar associations, but both the lawyers and the bar associations increasingly rely on the ABA's library and research facilities, and on its practice and procedure handbooks, standard forms, directories, fee schedules and public pronouncements. With law and the legal profession taking on "national" characteristics, the ABA is thriving.

At present the ABA has more than 160,000 members. Many do no more than pay their dues and place the monthly *American Bar Association Journal* on their coffee tables. But many others are active. The ABA central headquarters boasts of at least twenty-one sections, sixty-nine committees and more than 700 section

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committees. The annual ABA budget exceeds $13 million; the ABA publishes approximately 150 books and pamphlets and employs a full-time staff of about 300.

Some of these employees are stationed at the ABA's lobbying office in Washington, but most are at the central offices in Chicago. There, in a mildly decadent, imitation-leather setting, American Bar Association leaders worry and scheme about everything from minimum fees in Montana to United States participation in the World Court. But whatever they do is done discreetly, calling almost no attention to the organization.

The size, power and surprising invisibility of today's ABA are the products of a century of development. The ABA was founded in 1878 by a handful of big-business lawyers. Like their organizer, Simeon Baldwin—a conservative Connecticut judge, teacher and business adviser—the original members were alarmed by court decisions, such as *Munn* v. *Illinois*, which threatened the "entrepreneurial prerogative." They wanted a national bar organization that could guarantee the recruitment of judges sympathetic to industrial and financial empires.

Combining pleasure with business, the ABA founders decided to meet in Saratoga Springs. And, perhaps fortunately for the liberal judges of the era, the recreational charm of the area distracted the ABA's founders from their determination to shore up the judicial foundations of American capitalism. For the next twenty years the annual ABA conventions were little more than swimming, drinking and legal gossiping festivals.

It was only after 1900 that the original ABA philosophy of individualism and human struggle reasserted itself and that the ABA began stocking its closet with conservative and even racist skeletons. Buoyed by a drive which increased membership from 1,496 in 1898 to 10,995 in 1918, the ABA began consistently to line up with the American right wing.

In 1916 seven former presidents of the association—nationally prominent men such as William Howard Taft, Elihu Root and Simeon Baldwin—criticized the appointment of Louis Brandeis to the Supreme Court. They alleged Brandeis' lack of ethics, but their real complaint was with his liberal political and social philosophy. During the same period the ABA denounced the income tax amendment and other "encroachments on private wealth." It led the fight against popular recall of state judges, many of whom were holding the line against progressive reforms. At one point, an ABA committee informed the public that judicial recall was a "Socialist vice."

The association's internal politics in this period were every bit as conservative. The organization had no constitutional strictures against women, but it did not admit a female member until 1918. And in 1912 it went through a bitter struggle brought on by its exclusion of blacks.

The ABA's ugly internal racism surfaced when the executive committee approved the membership of three New York lawyers whom it did not know were black. A battle followed on the floor of the ABA convention; the three men were admitted, but the ABA added a racial identification question to its application blank. Since any five ABA councilmen (a large number of whom were from the South) could veto an applicant, this question effectively enabled the ABA to exclude blacks for many years.

The association's rejection of blacks paralleled its lack of enthusiasm about membership for, and even the practice of, Jewish and Catholic lawyers. In 1908 the ABA promulgated its Canons of Ethics, many of which were aimed at the ethnic branch of the profession, which was developing in large Eastern cities. The canons prohibited, for example, general advertising, as well as public notice of legal specialties—both practices being standard and necessary devices of the ethnic bar. And the canons frowned upon the contingent fee, the heart of the ethnic lawyer's negligence work.

During the depression, the ABA became one of the country's most vocal critics of the Roosevelt administration. It never explicitly opposed the New Deal, but speeches and articles in the *Journal* left little doubt where the association stood. In fact, several members of the arch-conservative Liberty League became leaders of the general council, and in 1936 the ABA chose a Liberty League lawyer, Fred Stinchfield, as president.

The most notorious example of ABA conservatism during the 1930s was its opposition to an amendment prohibiting child labor. The organization came out against the amendment in 1933, even though child labor had been abolished by statute in most states and even though it was universally condemned on moral, social and economic grounds. According to the ABA, the amendment was an unjustified intrusion into the rights of states to legislate.

A few members of the ABA were so outraged by the organization's conservative stand on this and other matters that they broke away in 1936 and formed the National Lawyers Guild. At its first convention the Guild had ABA positions in mind when it called upon its members to be interested in civil rather than property rights.

Some years later, during the heat of the McCarthy period, the House Committee on Un-American Activities described the Guild as "the foremost legal bulwark of the Communist Party," and the Attorney General's office tried unsuccessfully to place it on the list of subversive organizations.

The ABA, meanwhile, was safe from McCarthyite purges—indeed it was busy leading them. With a membership that grew from 42,000 to 98,000 in the 1950s, it jumped on the redbaiting bandwagon. The ABA urged disbarment of lawyers who invoked the constitutional privilege against self-incrimination when asked about Communist Party membership. And it called for ABA expulsion of any lawyer "who is a member of the Communist Party or who advocates Marxism."

In 1950 the ABA created a Special Committee on Communist Tactics. And by 1952 that committee had distributed 5,000 copies of its "Brief on Communism" which warned that, "The man whom God made in his own image the Communists would remake into a soulless serf." The FBI thought so highly of the brief that in 1954 it sent copies to each of its field offices.

In 1958 the ABA convinced President Eisenhower to proclaim May 1 "Law Day, U.S.A." According to the ABA annual report, the day was selected as "a foil for the traditional Communist celebrations on that date."

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Even today, Law Day results each year in thousands of school, church and community observances.

Because it feared the public might think that lawyers who defended Communists were themselves party members, the ABA also began a general effort to improve the profession's public image. This campaign was consistent with the ABA's long-standing awareness that the bar suffered from a bad press. It took the form of a sizable public relations operation, one that, in the worst of lawyerly traditions, sometimes disregarded the Bill of Rights.

Daumier

In 1953 the Committee on Public Relations admitted it was having trouble "cleaning up" comic books and regular publications—that is, purging them of pejorative comments on the profession. However, it announced plans for a comic strip "extolling the exemplary judge and lawyer, something on the order of what the 'Rex Morgan, M.D.' strip is doing for doctors." And it succeeded in having undesirable words about the profession removed from *Occupations Today*, a widely used high-school textbook. In 1958 the committee boasted of its role in stopping one TV series that presented a "perverted" image of the lawyer, and in 1963 it convinced a major network to abandon plans for a comedy series about the antics of two inept lawyers.

Fortunately, today's ABA public relations machinery is more restrained. The association has cut its film and television "advisory" staff to only one Hollywood attorney. And it devotes most of its public relations budget to tame educational pamphlets, films and TV shorts. The ABA is still actively aware of the media—a recent article in the *Journal* explained how lawyers could "package" themselves for local television—but at least it no longer censors books and suppresses television programs.

In fact, heavy-handedness of any type is taboo in the ABA of 1973. After years of strident, right-wing posturing, the leadership has assumed a calm and cautious public personality. The organization has influence and a large membership, and it clearly "does" more than in the past, but it stays out of the newspapers because its operation is orderly and controlled.

As just one example, the ABA still honors and enforces the business "treaties" it worked out in the 1940s with collection agencies, insurance adjusters, banks, publishers of legal materials, real estate brokers and accountants. But association leaders no longer bluster about, as they once did, calling foul (or, to use lawyerly terminology, "unauthorized practice") at every borderline intrusion into the money-making fortress of the American legal profession.

According to Geoffrey Hazard, a law professor and former head of the ABA's research wing, "The ABA has become a new organization in the last ten to fifteen years. Most of its old preoccupations are gone." In Hazard's opinion the association used to be split much like the Republican Party. It had a conservative wing of Southerners and Westerners and a liberal wing of Easterners. At present, Hazard feels, "The Eastern wing perhaps has more influence, and the traditional positions of the South and West have also changed."

"Eastern" names to support Hazard's thesis are not hard to find. Whitney North Seymour Sr. and Orison Marden are from New York; the current ABA president, Robert Meserve, is a Bostonian; and Bernard Segal, the only Jew ever elected to the ABA presidency (a startling fact, given the large number of Jewish lawyers), practices in Philadelphia. But for every Easterner in ABA leadership circles there is at least one man from what New York lawyers call the "hinterland" of American practice. Ross Malone, now counsel to General Motors, is from New Mexico, Judge Walter Craig from Arizona, Edward Kuhn from Tennessee, Leon Jaworski from Houston and, of course, former ABA president and now Supreme Court Justice Lewis Powell is from Virginia.

If there is a "new ABA," it was not created by Easterners per se but rather by the dominance of big-firm corporate lawyers, who are most numerous in the East but to be found in every large city. Single practitioners and small towners may sit on ABA committees, and ABA members may come from all types of practice, but the big-firm corporate lawyers are the association's most influential members. Not all of them are liberal, but they do have a certain "national" outlook. They are responsible for the ABA's "quiet" brand of professionalism, and

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they prevent the ABA from going out on shaky and unpopular limbs.

A more broadly based membership has also helped the ABA to develop a new style and grace. Today, the association has more law professors and young lawyers than ever before. And the latter—particularly those from the elite law schools—have at least exposed the organization to the reform-oriented perspective that is one of the traits of this generation. Perhaps in response to the cultural change that many young lawyers both endorse and epitomize, the ABA has actually reversed the direction of its earlier development. Instead of growing more conservative as it grows larger, it is now growing more liberal.

The best illustration of this "liberalness" is the organization's stand on legal services for the poor. In earlier days the ABA opposed federal legal services, but since the late 1960s it has been the program's staunchest defender. When Vice President Agnew and several Republican Governors attacked legal services attorneys for suing local officials on behalf of poor clients, the ABA passed and then reaffirmed a resolution deploring the criticisms.

Since 1971 the ABA has led the drive for an independent legal services corporation that would be protected from the political winds that seem to buffet the Office of Economic Opportunity. ABA support on the matter has been one of the keys to maintaining morale in a Legal Services Program which, due to political pressures, has lost three directors in the last thirty months. Recently, when Nixon Administration stalwarts in the House added dozens of restrictions to a bill setting up an independent legal services corporation, ABA President Robert Meserve condemned the action.

The ABA finally removed the racial identification question from its application, and although most blacks still refuse to join (racist wounds heal slowly), the ABA has recently found a way to work at least a few blacks into its leadership circles: two years ago it granted a permanent seat in its House of Delegates to a representative of the all-black National Bar Association.

According to Whitney North Seymour Sr., a former ABA president and perhaps the country's leading "national lawyer," the ABA's new broader base—its law teachers, young lawyers and minority members—has helped turn the association in the direction of public service. The organization's three largest sections (essentially sub-associations with additional dues) are still Corporation, Banking and Business Law; Real Property, Probate and Trust Law, and Taxation. But Seymour does have a point. The ABA treasurer's report shows, for example, that almost half of the annual budget goes to "public service activities." Even though the ABA may be using the label "public service" a little loosely, it is in fact moving rapidly away from its former self-interested, business league approach.

Even with regard to such proposals as no-fault divorce and automobile insurance, which threaten to cut deeply into legal lawyers' business, the ABA has made surprisingly broad-minded studies and suggestions. It is certainly not supporting no-fault, but at least it seems worried about its public responsibilities. When he left its presidency last fall, Leon Jaworski described the organization as a "quasi-public institution"—a phrase that would have chilled the spines of both the big-business ABA founders of the 1870s or the right-wing ABA leaders of the 1930s.

One reason for the ABA's involvement in public service is its system of financing. The association recognized, in 1961, that funding was available outside the profession itself. Thus, while it still collects more than $5 million a year in dues, it now takes in a like amount through its Fund for Public Education. Since its inception, the Fund has received grants totaling $16 million, the largest contributions coming from the Ford, Fleischmann, Kellogg and Scaife Foundations and from the Office of Economic Opportunity. The ABA uses this money to finance, among other things, projects on correctional facilities, housing and urban development, crime, legal aid and drug abuse.

In addition to Fund projects, the ABA has directed a large part of its special committee activity to public service. According to Geoffrey Hazard this is particularly encouraging. In his mind, the special committees are the key to what the ABA is thinking. Also encouraging, according to Hazard, is the evolution of a competent permanent staff, one that keeps ABA projects going on a year-round basis. Centered in Chicago, the staff in many ways matches its headquarters building—it is modern, well-organized and slightly plastic.

The staff is headed by ABA Executive Director Bert Early who, with roots in West Virginia and a Harvard law degree, has an almost perfect background for ABA leadership. He became executive director in 1963 after several years in the ABA Young Lawyers Section, and his personality is a curious mix of cultivation and folksiness. Insiders assert that he knows more lawyers than anyone else in the country. And he does in fact have a frightening ability to flip through the thick ABA Redbook of committee members and fill in the interests, law schools and personalities behind name after name.

Since the late 1930s the most important ABA governing bodies have been the House of Delegates and the Board of Governors. Together they have reeled in the sometimes maverick ABA committees and sections. Much as they might like to, they have not been able to eliminate the Communism Committee (which is in large part financed independently by conservative foundations), but they have placed time limits on committee chairmanships, and have centralized the printing of ABA reports.

Besides the house and the board, both of which are powerful and invisible, the ABA also has a noisy, raucous and totally impotent assembly. It consists of all ABA members who register at the organization's annual summer convention, and it has the "power" to pass resolutions which are binding on no one.

A few years ago the attendance at assembly sessions had fallen off so badly that the ABA seriously considered dropping the body altogether. Then a rebirth took place. More than 8,000 lawyers participated in the 1971 assembly, and 8,800 (an all-time high) attended last summer in San Francisco. One reason for the vitality of the summer convention is the willingness of a few radical lawyers to use the assembly as a public forum. Last summer, assembly members submitted one resolution urging the repeal of statutes penalizing sexual conduct among consenting

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adults and another supporting full civil rights for all Irish people. Neither resolution passed, but the fact that they were considered delighted the *Journal*. "The association was faced with resolutions," an anonymous editor bragged, "that would have been considered almost revolutionary twenty years ago."

In the eyes of one ABA critic, however, the association's failure to endorse radical resolutions is symptomatic of its major flaw. According to Catherine Roraback, a Connecticut lawyer and former president of the National Lawyers Guild, "Even today the ABA has only that very respectable, very orderly type of social concern. It's never been the organization to come up with innovative solutions, and it's never tackled tough, controversial issues."

Like Geoffrey Hazard and Bert Early, Roraback appreciates the ABA's tremendous power. But she also feels that the association has never used this power in any particularly valuable way. "It's almost laughable for the ABA to champion prison reform," she says. "Prison reform—or at least verbal support of it—has been fashionable for five years. Where was the ABA when it was a tough, new issue?"

Roraback describes the ABA as "establishment through and through. Its leaders are well-heeled white males with no real affiliation with the country's less fortunate. They set up rational, efficient committees to make proposals about the nation's ills, but they do not 'feel.' "

Roraback is the most eloquent critic of the contemporary ABA, but she has relatively few supporters, even in the profession's most liberal ranks. Louis Pollak, for example, Yale law professor and long-time champion of liberal causes calls the association "commendable and genuinely civic-minded." Francis T. P. Plimpton agrees.

Plimpton is a leader of the Association of the Bar of the City of New York, the strongest local bar association in the country. "There have been times in the past when the ABA was the very embodiment of reaction," Plimpton says, "but as things stand now, I think it plays a useful and increasingly constructive role." His comments are particularly telling because for many years New York lawyers ignored or avoided ABA activities. Today, Plimpton himself represents the Association of the Bar of the City of New York in the ABA House of Delegates.

With men like Pollak and Plimpton in the ranks, the future of the ABA is promising. There are, however, several possible difficulties on the horizon. Today's ABA members—particularly the single practitioners—are worried about recent court challenges to minimum fee schedules, and even more worried about booming law school enrollments. The average lawyer sees 110,000 potential competitors (more than one for every three practicing lawyers) in the nation's law schools.

As a result, the ABA leadership may soon be pressured by its membership to work for direct or indirect ceilings on the number of lawyers. In fact, just last year one ABA committee proposed a plan that would have combined political screening with economic self-interest. It suggested that first-year law students be given a character test to gauge their fitness for the profession.

Everyone condemned the proposal ("an absolutely terrible idea," said Abraham S. Goldstein, current dean of the Yale Law School), and the embarrassed ABA central administration hurried it off to the graveyard of ignored proposals. But it may be just the start. New trade union tactics, perhaps in the form of tougher bar exams and certification by legal specialists, may be next.

ABA observers hope that the profession's fears about the furious and anything but fraternal competition for the legal dollar will not hinder the association's future development. The association will never become the type of radical organization Catherine Roraback stands for, but its recent history does suggest that it has the potential to become the influential, independent lobbying force that the country needs.

The ABA has the power, the ability and, in certain cases, the responsibility to break the bureaucratic logjams that stand in the way of improved criminal justice, prison reform and modern drug laws. Perhaps that is too much to ask of an organization that took ninety years to mature, and even today places such high value on organizational invisibility. But the demand should be made now, when what Geoffrey Hazard calls the "latent Boy Scout urge of the legal profession" appears to be the dominant attitude in the American Bar Association. □

REGIONAL TRANSPORT

SAN FRANCISCO MAPS OUR FUTURE

MARY ELLEN LEARY

San Francisco

To the urban world challenged by traffic congestion, the dramatic innovation in California which offers a promise applicable elsewhere has been, through the past year, the shiny aluminum trains of BART (Bay Area Rapid Transit) slipping at 80 miles an hour in subway and elevated roadway along San Francisco Bay's east shore, and at ground level between freeway lanes, attracting in less than a year 35,000 daily riders to what is still an incomplete system. But this summer something even newer is taking place in the region. It is a unique venture destined to have an effect on transportation throughout all the United States.

It is MTC—the San Francisco area's Metropolitan Transportation Commission—a government body given power to coordinate all transportation within the nine

Mary Ellen Leary has been a West Coast political writer for more than twenty years, most of them on the Scripps-Howard San Francisco News. *She is now a free-lance writer.*

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counties fringing the bay to a degree never before attempted. Its principal aim is to enlarge and strengthen all aspects of public transportation, in a cohesive, interrelated, multi-modal fashion and to diminish reliance upon the automobile throughout the region.

MTC is an outgrowth of the spirit of experimentation with public transport which BART set free in California. As the funnel now for all transportation spending which has regional importance, it has already encouraged a large expansion of feeder bus lines to bring riders to BART stations, more ferry-boat service and new experiments with "people movers" or other fixed-rail systems in fast-growing suburbs. The big question will be how much the public agrees that highway building should be curtailed while bus, train and ferry services are expanded.

Modestly funded last year when California provided transit money from a new sales tax on gasoline, MTC can receive further federal transit aid. For the future, it proposes an array of new taxes, together with bridge tolls, for a program it expects will require in the neighborhood of $12 billion over the next decade for this community of 4 million to 5 million people. MTC will have to battle many competing interests for the money, but its structure, manned by commissioners drawn from local government, and its rare authority make it a champion for regional mobility by public means at a time when threatened gasoline shortage and air pollution have most American communities stumped.

In terms of something new to ride, in terms of passenger luxury, with huge picture windows and wall-to-wall interior carpeting, in terms of electronic control patterned on aerospace concepts, more highly automated than other train systems, BART, an electric-powered, 75-mile double-track operation linking city centers and suburbs along the rim of San Francisco Bay, is still the newest and most exciting system in the country.

But, BART is afflicted with some start-up problems in its circuitry. It has, in fact, summoned Dr. Robert R. Gilruth, who was project director for the Apollo Space Project, to help resolve them, it is hoped by fall, so that it can complete its run beneath the bay to San Francisco. Three legs of its four-pronged run are now in operation, its most recent extension into suburban Contra Costa County having opened on May 21. It has earned more than $1 million in fares since it opened last September. Despite occasional blips in the signals, the imagination and daring of San Francisco leadership twenty years ago, which looked beyond the postwar infatuation with the automobile to grapple with the mobility needs of a complex metropolitan region in the last quarter of this century, achieved a turning point in urban transportation. It is recognized as such by transit experts around the world.

Rarest element in this pioneering is the fact that the region paid for BART out of its own pocket. While so many other cities teetered back on timid heels and waited for the two-thirds federal financing cushion via the Department of Transportation, the 2.5 million populace in the three-county San Francisco area committed local taxes to its $1.4 billion BART system. Taxpayers, having financed the planning, undertook the construction obligation by a vote twelve years ago which drew a better than 60 per cent majority. They have added further taxes since, as the price escalated. The average small home owner in the area is paying from $50 to $90 this year in his tax bill just for transit taxes. The total region has been digging up around $135 million a year, year after year, for transit; until 1970, that was close to what the federal government put into mass transit for the whole nation. The innovations, experiments, trial-and-error advances spurred by this local initiative constitute a technological cache of great use to all systems henceforth.

When BART was conceived, Americans were deemed so wedded to their automobiles that its proposal to offer train service for main-line commuter travel was viewed with immense skepticism. In the very weeks of BART's initial studies, tracks for local streetcar systems and for all intramural trains were being torn up in the San Francisco area, and paved over to make way for automobiles. The decline in use of public transit was everywhere evident, and confirmed by nationwide statistics: from 17.2 billion riders in 1950 to 7.3 billion in 1970. The common challenge to the propriety of BART's assumptions was, "How will you get them out of their automobiles?"

But today gasoline shortages and rising gas prices, the gravity of air pollution, the restrictions that central cities are starting to impose on admitting automobiles and yielding them space for parking, and the mathematical impossibility of providing enough street surface to end morning and evening congestion all diminish the attractiveness of auto travel. It becomes obvious that the private car, as transportation on routine runs in metropolitan areas, is losing its luxury appeal. For the question posed, BART seems to have the answer. Right now, its kind of train travel offers cost and speed advantages over the private car, and some marked convenience advantages as well. Every year, these advantages will grow.

In the twenty years since BART's inception, the need has become apparent for a far broader approach to public transit. It is to provide coordinated mobility throughout a region, a mobility sharply curtailing reliance on the private car and to be made possible with a variety of vehicular modes aimed at serving all the citizens. To this problem, the San Francisco MTC addresses itself.

With the production this June of its first ten-year plan for the San Francisco region, MTC embarked upon an all-embracing effort to coordinate existing local bus systems into regional coherence, to concoct new systems where none now exist, to authorize the extensions, route changes, shut down or start up, scheduling and fare systems of all public service operations in the area that have impact outside a single local community, so that the whole web of movement becomes synchronized. Ferry boats, bus lines, bike routes, trains, bridges, shuttle service are all part of the mosaic. MTC's authority extends over highway building in the region, so that from now on roadways for motorists will be only one component in the transit mix. The MTC's reach far exceeds BART's area of service. It includes nine counties surrounding the bay, some 7,000 square miles in which live 4.6 million people.

It is thought that no compass this large in transportation responsibility has ever before been attempted, though it is modeled on a total area concept with which Hamburg, Germany, is now experimenting. State imple-

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mentation for highway building has long been accepted; this is regional implementation over all forms of transport. Airports, seaports and railroads also fall within MTC scope, though they are lower just now on the priority list than the short-haul movement of people.

One limit to MTC responsibility is self-imposed: it will not become an operator. It will not commit itself to running a system in any one locale or with any particular kind of transport. Where new operations are needed, it will encourage local communities to undertake them, and will help to pay for them. By exercising its authority through fund distribution and through planning approval, through public meetings that expose transit needs, and studies to explore technological possibilities, it hopes to maintain a genuinely region-wide approach to its task, working always at the policy-fixing level.

A very important difference between MTC and, for instance, the New York Port Authority which also has large transit responsibilities, is that MTC is not designed to live off its own fat. It is not structured to bring in revenues and then husband those revenues for further fund-breeding operations. MTC assumes that transit must be tax-subsidized; it even discusses seriously the pros and cons of a free transit, though the present members appear opposed to this concept. Its goal is the maximum mobility throughout the region which available resources can stretch to provide.

What is so special about MTC? The acronym hardly blazes with originality: MTC could stand for any regional agency dallying with transportation headaches. It lacks eye-catching hardware to show off, speed records or passenger volume to boast about. It has handed out money, and recipient agencies therefore know it exists. It has staged public hearings, and persons stirred up by local highway problems or incensed by transport deficiencies realize they have a new forum. But, overshadowed by the interest in BART, it has made no splash.

Two paramount innovations distinguish this nineteen-member public agency, representative of the cities and counties within the area, from other regional transportation planning bodies dotted across the country. One is the recognition of a public responsibility—a regional responsibility beyond the capability of local citizens—to provide transit in outlying suburbs that until now have been the exclusive domains of private motorists. In most suburbs, school busses are the only approximation of a transit system. Greyhound or other bus operators may maintain a skimpy link to the outside world, but it is the housewife as harried family chauffeur, a kind of cartoon figure familiar across the country, who has sustained transportation in American suburbs for the past twenty years or more. When BART originated, its stations were designed with large parking lots and and drop-off auto ramps, on the assumption that father's second car would be left there all day or that mother would leave him and pick him up regularly. "Kissing stations," these drop-off points are called in the transit trade. Today, in the San Francisco region, the expectation is growing that the kissing must be done at the front door. Mushrooming suburbs dangle at the extremity of each of BART's four legs. An astonishing variety of proposals are now emerging from these areas as to how to best provide some public conveyance from the widely scattered bedroom clusters to the BART stations. MTC offers a mechanism to give these ideas technical assistance, to fund them, to encourage them, to bring them to completion.

The second innovation involves the deliberate public aim to create a total regional system, encompassing a wide range of conveyances, a variety of operating agencies, some already in existence and some to be created, a variety of services, meshed as to fare schedules, transfer possibilities and interconnecting routes. For instance, MTC is deep in plans for a toll-free telephone information service capable of telling the caller how to get from one part of the region to another by public transport, together with times, frequency of service and fare. A low-cost guidebook of such information is being prepared—its title: *Ride On.* The possibility of furnishing welfare recipients with transit stamps (on a basis parallel to food stamps) is being explored.

There are many regional transportation agencies. The federal government proliferated them by insisting upon funneling its transportation grants through agencies endowed with regional planning responsibility. They vary greatly in kind. Some are merely advisory, with no real restraint over local government actions. Some exist as handmaidens of the big city dominating the region, some assume the voice of public transit interests but are in fact highway lobbies in disguise. But in all urban regions, in Philadelphia, Boston, New York, Chicago, Cleveland, Atlanta, and even now in auto-strangled Los Angeles, some coherent plan for regional transportation is being sought, usually with a mix of rail transit and busses. Few have been created explicitly for so large a purpose as the San Francisco Metropolitan Transportation Commission, and none is known to have such broad authority under the law and comparable financial resources.

It must be conceded that MTC slid in while the state legislature blinked. This San Francisco region, having spawned BART, has maintained an exceptional level of public interest in transportation problems and a rare sensitivity to the regional scope of such problems. BART's initial studies produced the first regional plan ever sketched for the area. Coincidentally, a loose regional planning agency representing cities and counties was created, Association of Bay Area Governments. It led to important regional land-use considerations, open-space studies, airport siting proposals, population projections, and some serious suggestions for shaping the pattern of growth. Having launched BART, this citizenry became more hospitable than most to the concept of regional solutions to governmental problems, though some argue that it errs by adopting a sequence of single-purpose regional structures, as for air pollution, for "saving the bay," for waste disposal, and now for overall transportation design and control.

As BART began taking shape before people's eyes—an observable labyrinth of construction debris in every major downtown, steel tracks laid gleaming along fresh-cut roadbeds through the countryside—Bay Area leaders sought to broaden the approach to transit. A new agency, BATSC, was created—Bay Area Transportation Study Commission. Its goal was to take a total view for the

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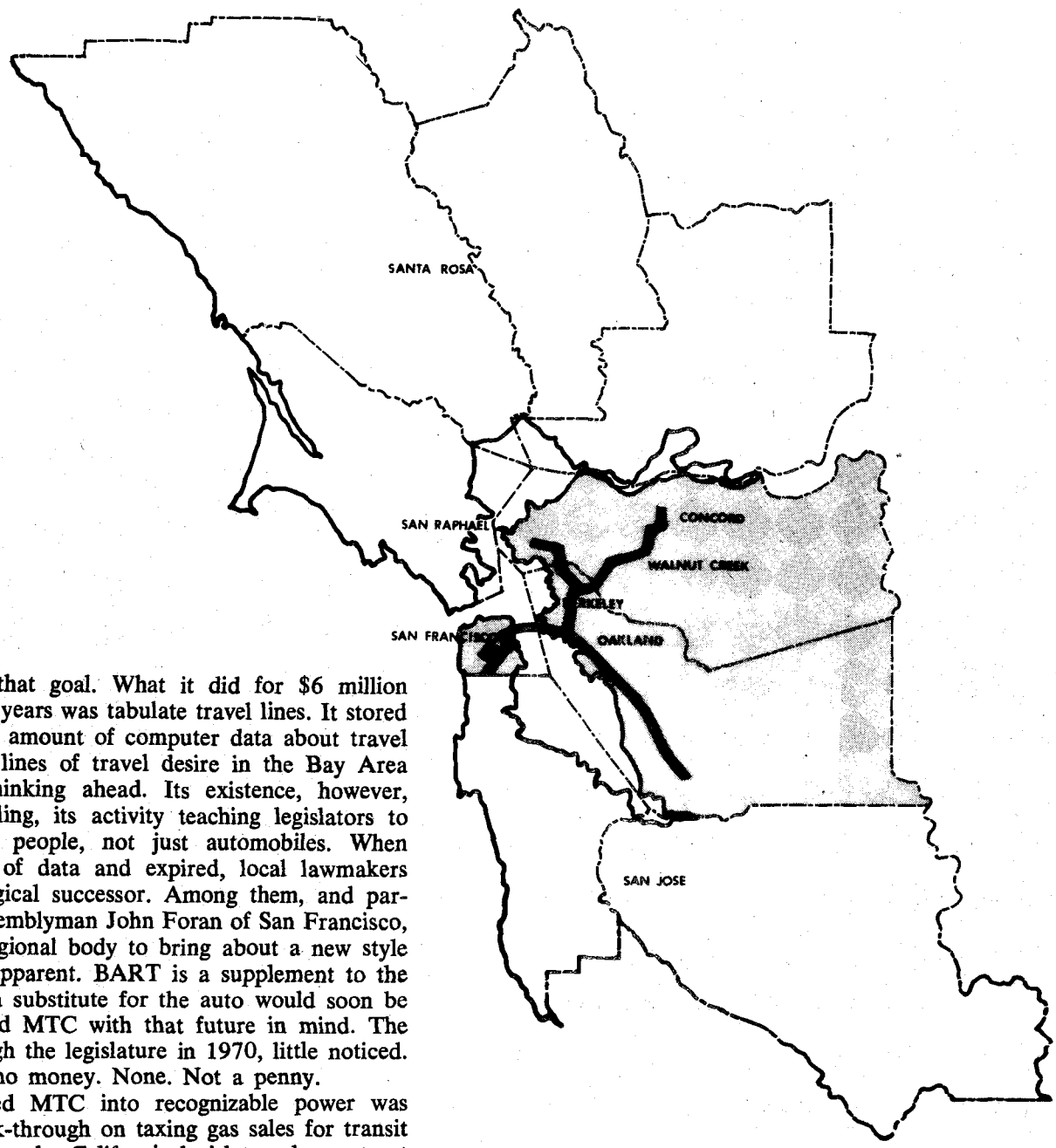

MTC has responsibility for nine counties. The three served by BART are shaded, and the routes shown by the heavy line.

future; it failed that goal. What it did for $6 million over a number of years was tabulate travel lines. It stored up an astonishing amount of computer data about travel patterns and the lines of travel desire in the Bay Area but it did no thinking ahead. Its existence, however, kept the pot boiling, its activity teaching legislators to think of moving people, not just automobiles. When BATSC ran out of data and expired, local lawmakers groped for its logical successor. Among them, and particularly with Assemblyman John Foran of San Francisco, the need for a regional body to bring about a new style of mobility was apparent. BART is a supplement to the auto; Foran felt a substitute for the auto would soon be urgent. He drafted MTC with that future in mind. The bill slipped through the legislature in 1970, little noticed. After all, it had no money. None. Not a penny.

What catapulted MTC into recognizable power was a California break-through on taxing gas sales for transit use. Like Congress, the California legislature has not yet gone so far as to share highway-dedicated gas taxes with mass transport. But it put a new tax, a sales tax, on top of existing gas taxes and this sum is directly intended for transit assistance. It is distributed via whatever regional body happens to exist, and MTC exists. In this first year of collection, the sales tax is yielding millions to help bus lines buy better equipment, add new runs or improve service, and it opens the way for new bus systems or for rail-transit development. This money is thrice blessed, since it can attract the two-thirds matching federal money. In the San Francisco area alone, it provides about $35 million annually to dispense to local systems. It fields a sizable MTC staff, underwrites local shares of many studies, and has put MTC into the big time.

As the scope of MTC's statutorily constituted authority was grasped, events readied acceptance of it. California has shifted so far toward thinking in terms of total transportation, instead of just motor-vehicle transportation, that its Highway Department this spring was absorbed into a new Department of Transportation, where the Division of Highways and Mass Transportation are theoretically on a par. Of course, it is commanded by the man who used to preside over highway building, James A. Moe, and it remains to be seen whether he is a true convert to the new religion. But state highway planners recognized MTC's decisive role over highway work in the region by according it nearly $1 million this year for some of its studies and operation. It was a significant salute.

The direction MTC will take is wrapped up in its "plan" and even before the first outline took shape

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it had its critics. Sierra Club leaders dogged its preparation and when it was finished still criticized it for conceding the automobile too much. The conservationists urged MTC to adopt as an "immediate goal" the reduction of auto usage "for the foreseeable future." Total use of the automobile in the area must be reduced, the environmentalists insist, and "an integrated regional public transportation system is not a matter of choice but of utmost urgency." The highway lobby, of course, raised counter views.

What the Sierra Club did win was a concession by MTC that it must accompany its "plan" with an environmental impact report, even though no one is quite certain how to draft one for such an intangible responsibility as MTC's regional planning. Also, the Sierra Club statement praised the "conscientious leadership" MTC is showing and its "spirit of pioneering."

The "plan" is no frozen formula. It will be under continuing annual revision, with a new format each spring, so that there will be year-round evaluation of various projects and MTC policies. The plan determines where funds will be allocated for construction of new roads or bridges, for bus purchase, for experimental facilities or for administrative costs. In essence, incoming federal and state money will flow to the participating communities and their public transport agencies (only a few are privately owned) through MTC, according to priorities it has established. The predictable struggle by some politician to get his favorite line funded, or some operating system's aspiration classified high enough for a study or for construction, has already commenced.

MTC envisions spending as much as $12 billion over the next decade, about half for roads and half for rapid transit. Conservationists want some of the highway money set aside and saved until changes in the law permit its diversion to transit. Present laws make it possible to see where the highway money may be generated; no existing revenues could fund transit on such a scale.

The dimension of such a ten-year commitment to transportation is staggering. But MTC considers that it is not so much an increase of dollars devoted to this purpose as it is a shifting of money from private spending to public, where it is more visible. For instance, MTC expects that present highway revenues might yield as much as $6 billion over that period for roads; the gap is in public transit revenues, and the hope is that there will be reductions in private spending for automobiles to offset the cost of public transport systems.

Clearly the present MTC plans are rough. Its first year "plan" is more a catalogue of "where we are now": highway projects on the books; expansion plans that various local agencies hope to achieve; far-out proposals some planners would like to have studied. The critical question is how these are to be carried forward in the coming years.

MTC has a remarkable capacity for initiating new projects and for insuring their coordination. Thanks largely to the zest for experimentation that characterizes this area, ideas keep bubbling up, and new ideas that appear elsewhere get championed. One of MTC's special functions is to encourage technological experiments. For instance, BART itself, despite its large free parking lots, will finance a sizable feeder bus operation throughout a number of suburbs fanning beyond its stations; this venture was not contemplated in its original plans. The principal existing transit lines in the area, San Francisco's heavily used streetcar and bus Municipal Railway, and the east shore's "A-C Transit," both publicly owned, have undertaken multimillion-dollar improvements and expansions with MTC's largesse. Some communities are planning "Dial-a-Bus" service; some are studying miniature electric cars; some have embarked on their own studies of alternate rail ventures or continuous belt people movers. The Golden Gate Bridge, enjoying a surplus from auto tolls now that construction costs are cleared off, has put its money to the purchase of 220 commuter busses, opening an efficient subsidized commuter service between downtown San Francisco and the residential community of Marin across the bridge. In addition, the bridge district has subsidized the return of cross-bay ferry service. Its one existing boat will be joined soon by three 750-passenger boats designed for $14 million worth of extra speed and glamour comparable to BART's.

San Jose, a sprawling junior-grade Los Angeles at the southern tip of San Francisco Bay, originally rejected BART's rail link. Today's MTC sketches indicate that it will be connected some day. Meanwhile, a newly created public transit agency in San Jose has bought up three old-fashioned private bus companies to create a streamlined system linking fifteen scattered communities. It is now contemplating a fixed guideway conveyer to use the mid-space on its country roads. The nearby electronic industrial cluster and Stanford University exude tantalizing engineering proposals for mass mobility within this region that may reduce smog and auto use; some $2 million is committed to their study this year.

At the other end of the bay, a project has been funded to study some transit linkage between San Francisco and the state capital, Sacramento, 85 miles to the north. This project purposely invites exotic alternatives to BART, such as air-cushioned vehicles or continuous belt movers, in the hope of triggering some fresh solutions.

Another instance of experimentation over the past two years has been the state-funded study of steam-powered busses. These proved noisy and cranky, but they did work. Further, they kept pollution dramatically below original 1975 federal minimums. Spurred by this small indication that steam power might be feasible, the California legislature this year authorized a $3 million further experiment with steam automobiles. The leader in each house of the legislature is a transit buff.

Amidst all this, it is not surprising that funds have gone into an MTC study for bicycle trails and city bike lanes, and that designing busses to meet the special needs of the elderly and physically handicapped comprises yet another project. Computer-coordinated car pooling is under study as well as thief-proof parking for bikes.

The importance of what will occur in public transportation over the next ten years in the San Francisco region is not lost on Washington. The Department of Transportation, still a pioneering center, has been responsive with money. It has particular interest in the "BART-Impact Study," comparing past travel patterns, commuter attitudes and work-to-job relationships with the new pat-

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terns, attitudes and job availability BART's presence instigates. It is studying land-use changes, tax effects, social and economic developments attributable to BART. Does it help the poor to reach jobs? Does it strengthen city centers? Will change occur in ghetto-suburb relationships? How does it affect school bussing? The real estate boom near BART stations is already evident. The real impact on the community, however, lies in the future when BART is operating fully and the public learns how to use it.

It is disconcerting, of course, that all this confidence in mass transit should be troubled by electronic uncertainties that have prevented the BART system from operating as planned. After it opened last September problems of signal reliability and track "sensory" acuteness have kept the trains running under visual, rather than electronic, supervision. That is, a man at each station must report by telephone from his own observation that the track is clear ahead—quite a comedown for the highly touted computer command center. In tests, a stalled train is sometimes not picked up by the system's alarm apparatus. On-track detection systems have been steadily improved, but they are not yet reliable enough to trust on tracks that intersect, or to feed speeding trains through switch points. As of now, lines under automatic control are point-to-point runs without intersections.

Service via the tube under San Francisco Bay to connect with that city's subways cannot be undertaken until safety officials are confident of the reliability of electronic controls. It is this problem that Dr. Gilruth's team confronts and hopes to resolve for trans-bay operation by the end of summer. Ever since an accident last fall, when a train ran off the end of the track, speeding when it should have slowed, engineering and electronic experts have prowled over the system, ferreting out its faults. Three separate technical studies have been made and California politicians have grown waspish over revealed shortcomings, such as car defects and inadequate maintenance men. Some problems are common to the start-up of any new system; some arose during the BART changeover from construction responsibilities to the quite different operational responsibilities. But the question now is whether the kind of capability which controlled American space flights can be reliably applied to a metropolitan transit system. BART was built on that premise. The experts insist they have no doubts; just a few impediments to remove. Riders, meanwhile, are generally enthusiastic. The cars are quiet, comfortable and pleasant, the stations beautiful. Stalls and unexpected stops, irritating on a home-to-work trip, are diminishing. Train frequency is greater. The system functions only weekdays and during day hours, the nights and weekends being used for tests. Added to its other woes, BART suffered a strike in July and a resultant shutdown for an aggravating interlude. The key issue was dissatisfaction over a pay differential which had been ordered by an arbitrator in earlier wage negotiations.

While still awaiting that "all systems go" clearance, the machinery of BART has been surpassed in importance by the policies of MTC. No longer will highway builders dictate where growth shall occur. No longer will private developers leapfrog ahead, heedless of the congestion they create or the isolation of their projects from travel corridors. MTC aims to link its policy to land-use planning in the region and with demographic and economic determinations made by other regional bodies. MTC recognizes that decisions as to where cities shall grow and where open space will be preserved, how farmland, shorelines and historic sites are to be treasured all must be made politically in a region, and that transportation plans must follow, to reinforce such basic planning. Thus MTC's ten-year plan necessarily sets off a vast amount of regional planning for the San Francisco region quite beyond its "maximum mobility at reasonable cost" objective. What BART visionaries set in motion twenty years ago was a process for regional planning far more important than a main-line train system. □

LETTERS *(Continued from page 66)*

tial candidates. *(Ibid.)*

1972: His campaign treasurer Stans collected $6 million in two days, just before a new law would prohibit secret donations. Nixon had praised the law. He didn't criticize Stans. *(Ibid.)*

1973: He was present when Ehrlichman offered the job of FBI head to Judge Byrne of the Ellsberg case, while the case was pending. *(Ibid.)*

He forbade aides to testify about Watergate. Later he said they could do so, but not about illegal FBI taps or any conversations with himself. What is he hiding? *(Ibid.)*

Does this record inspire confidence?

Tertius Chandler

Yukon days and nights

Essex Falls, N.J.

DEAR SIRS: Robert Sherrill in "The Trans-Alaska Pipeline" [*The Nation*, June 11] did a top factual job on our values —the Dollar vs. the Midnight Sun Country.

Many years ago I lived in the interior of Alaska for three years. River boats took me five times over 1,400 miles of the Yukon River and its tributaries. A dreamland with its mild, beautiful summers, twenty-four hours of daylight; mountains from 14,000 to 20,000 feet into the sky; wildlife everywhere and the dancing Northern Lights in winter. In every sense, our last frontier and wilderness. If the oil dollar invades Alaska, I expect our real estate dollar to strike pay dirt in city parks. *Joseph Pass*

honoring Sherrill

St. Louis, Mo.

DEAR SIRS: I was proud to see the name of Robert Sherrill of your staff on the Administration's "enemies list". . . . Actor Paul Newman stated that he thought of sending Gordon Liddy to pick up his award. Perhaps Mr. Sherrill might wish to delegate Mr. Ron Ziegler for a similar errand.

I am a long-time reader of *The Nation* and find your articles to be accurate, perceptive, and at times prophetic. Keep up the good work. . . . *Nancy E. Petty*

correction

The author of *Glasstown*, the new London play mentioned by Harold Clurman in his column of July 2, is Noel Robinson—not, as stated, Nicol Williamson. *—Editors*

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BOOKS & THE ARTS

Paradise, Dystopia, or Just More of the Same?

THE COMING OF POST-INDUSTRIAL SOCIETY. *By Daniel Bell. Basic Books. 507 pp. $12.50.*

BERT COCHRAN

More than 150 years ago, Saint-Simon proclaimed the arrival of a new age of industrialism, an age that would cast aside the priests, militarists and nobles of a parasitic society in favor of a meritocracy of the coming men of science and industry. Saint-Simon proved to be an authentic prophet. But like others of the breed, while he caught a clear glimpse of the contours of the new Atlantis rising from the ocean depths, he badly misjudged its topography. Nonetheless, the technocratic concept, because it seemed to be a natural corollary of the age's worship of science, persisted as a leitmotif of Western thought, revived in this country by Veblen in the 1920s, and by one of his minor associates, Howard Scott, a decade later during the Great Depression.

Now comes Daniel Bell with a new technocracy in which scientists and researchers are destined to replace businessmen as the movers and shakers in a coming "post-industrial society." Bell's proposition goes beyond another revival and updating of a classic insight, which by now consists of one part truism to three parts error. Bell has embedded the old idea in a congeries of currently stylish academic catchwords and conjectures to frame a new-style cosmology. Long ago, Bell established himself as a notable ideologist; his "end of ideology" extravagance, picked up by the media, brought him to the attention of the reading public. Equipped with a set of sensitive social antennas, well informed and widely read, Bell has shown a rare instinct for identifying inchoate social and intellectual drifts—and an equal ability to formularize them within the accepted categories and with the reassuring jargon of academic scholarship. Whatever will be the fate of much of this writing in twenty or forty years, its importance lies less in the profundity of its vision than in the virtuosity with which it illumines current speculations and preoccupations. Problematical though its contribution may be to the wisdom of the ages, a feast has been laid for the delectation of a host of annotators and kibitzers.

Bell's concept of the post-industrial society has been incubating for a number of years, with the financial and spiritual help of the Russell Sage Foundation. It was a major topic of the American Academy of the Arts and Sciences Commission on the Year 2000, of which Bell was chairman, and the working papers produced by the participants amounted to five volumes. Besides, the idea that we are heading toward another kind of society, or that the social structure of the existing one is undergoing basic changes, has been in the air for at least a decade, and the scholarly discussions have issued from a common ambience. So, Bell's book, for all its individuality, takes on something of the character of a report by the chairman of the board.

What does the new world to come look like? The advanced industrial societies—the United States, Western Europe, Soviet Russia, Japan—are moving toward a new society which will emerge in the next thirty to fifty years, encompassing a radical transformation of technology, the economy and the occupational system. The economy will change over from goods-producing to service-dispensing, the commanding position passing from manufacturing and processing to trade, finance, transport, communications on the one hand, and health, recreation, education, research, government on the other—with the latter category proving the decisive one. The process is already under way. Today about 60 per cent of the American labor force is engaged in services; by 1980, the figure will have risen to 70 per cent. The service economy has already changed the nature of the work force so that the white-collar occupations outnumber blue-collar occupations for the first time in the history of industrial civilization.

By 1975, it is estimated, professional and technical jobs will exceed 13 million, just below that of semi-skilled workers. Furthermore, since the growth rate of the number of scientists and engineers was triple that of the average, there will be more than 500,000 scientists (twice the figure of 1960), and almost 1.5 million engineers (close to a 90 per cent increase). The ratios will continue to widen and all this signifies nothing less than the emergence of a new intelligentsia. Not only does this caste represent the chief resource of the coming slide-rule society but its recondite skills are the base of power—as education is the mode of access to power. The consequences for the ethos of the new society will be revolutionary. In place of empiricism and experimentation, the dominant methodology will be concerned with abstract systems of symbols and with systems analysis. From a social structure programmed for economic growth, with investment lodged in private and government hands, the new axial principle will be the centrality and codification of theoretical knowledge as the source of innovation and policy formulation. Instead of self-interest, professionalism will be the ideal animating the new elite.

Let us pause at this point to consider that Bell, by his prognostication, has left himself open to the charge of economic or technological determinism, or at least the assumption that societies develop according to an inner logic which the investigator can grasp. Since in contemporary systems theory, everything is dissolved into unevaluated, interacting forces, some of Bell's lynx-eyed academic critics have already ferreted out his alleged vestigial Marxism or called attention to his susceptibility to dialectics. A present-day American sociologist will blanch at such an accusation, much as a politician will recoil from an imputation of sexual irregularity.

Bell hopes to protect himself against this dread indictment in two ways. He constructs an intricate web of terminological distinctions in order to differentiate forecasting from prediction. Prediction cannot be made subject to rules since events are the intersect of social vectors whose cross points are not determinable; forecasting is possible, however, "where there are persisting trends whose direction can be plotted." And more important, while changes in the social structure can be forecast (although presumably not predicted), the social structure does not "determine" politics or culture. On the contrary. The initiative for organizing society will come from the political directorate because it is the politician who ultimately holds power. The changed social structure will merely "pose management problems" for the

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FABLE OF THE WOLF'S SNIFF

The old stick carried its master
From the grave folded like a handkerchief.
It carried him the length and breadth
Of the wolf's sniff.
The wolf's sniff carried him further than memory
To its ancestors gathered over a child's corpse
Freshly plucked from the grave.
They unfolded the master for the feast,
All the little bones of the infant
Wrapped around him in firm embrace.

G. S. Sharat Chandra

political sector. The Presidency is to be viewed "as a system capable of free action, even choosing which interests it allows to become inputs," although it will have to act, to be sure, "on the basis of technocratic decisions."

What is one to make of this prodigious outpouring, complete with charts, graphs, statistical projections, historical and sociological excursions, theoretical dissertations? It will not do, in the face of such an intimidating intellectual construct, to haggle over secondary shortcomings, or to deplore a soupy style which appears to be the product of cultivated opacity rather than natural obscurity. (Bell is like a politician who finds refuge in a gaseous rhetoric since his constituents have interests that are not necessarily reconcilable.) This is a big and ambitious work, and the author is trying to trace fundamental tendencies, not to cast a horoscope. His thesis, therefore, has to be studied in the spirit in which he offers it. That does not alter the conclusion that key components of the theory do not hang together.

Since the presumed primacy of the political managers is a keystone of Bell's entire structure, it would have seemed obligatory to supply proof for the proposition—or if, by its nature, that was not possible, to give the reasoning that would make it persuasive. Bell does nothing of the sort. There are no more than a few paragraphs scattered in a text of 500 pages alluding to it, and these are of an exclusively declaratory character. The postulate is established by fiat. Moreover, on the basis of Bell's own scenario, is it conceivable that an unchanged political syndicate will carry on along the same lines as it does today while presiding over a revolutionary transformation of economic and social relations? Is the political sphere immune, like an Oriental deity, to all pressure from the forces of complementarity? That would indeed be a new departure in history. In the case of a classic social revolution put through from the top—the Meiji Restoration in Japan —when, by administrative action, the samurai overturned the old feudal structure, the oligarchic government necessarily underwent drastic alteration in the course of the country's modernization. Bell's inability to say anything meaningful about the politics and politicians of his post-industrial society represents such a failure of imagination as to undermine his entire enterprise.

If the politicians emerge as stereotypes, that does not mean that the scientists come alive. Though the science intelligentsia, we are told, will stand at the hub of the social structure, and like science-fiction leaders, direct a push-button domain, they lack a defined sociological physiognomy. They appear as hollow and apolitical as the actors on *Star Trek*. Do the new technocrats make up a new class? No, says Bell, they are not bound by a common interest sufficient to constitute that. Is the technocratic elite then a new priesthood, a mandarin caste? Not exactly. It is "a unique institution in human civilization" in that "it has no ideology . . . but it has an ethos." What does this mean? Does it mean anything? Well, we are instructed that social systems are ultimately defined by their ethos. Just as the Protestant ethic was the ethos of capitalism, and the Socialist ideal the ethos of Soviet society, so "the ethos of science is the emerging ethos of post-industrial society." Bell takes issue with Robert Heilbroner's assertion that the expansion of science and technology is creating the framework for a new social order that will erode capitalism. In a passage in which murkiness attains the level of high art, he hints that there will take place instead an intertwining of big science and big government, with the latter playing a role analogous to that of the centralizing monarchies in the rise of European national states. Which may or may not be a counterposition to Heilbroner's idea.

The difficulty for Bell and others who seek to make the scientists and engineers the carriers of a new noncapitalist social order is that the living members of this mandarinate are unaware of, and show no interest in, their exalted mission. It is one thing to forecast growth and enlarged influence of these specialists in an increasingly high-technology society because one is safely extrapolating an existing tendency in a closed system. (Although the scientists have lost direct access to the White House in the Nixon Presidency, and science and research budgets have declined, the setback can be considered a temporary reverse in the breakneck expansion of the previous twenty years.) When it comes to integrating these scattered professions into a distinct social formation, be it a new class, caste or priestly order, additional developments are necessary. First, the new elite must have a class or corporate consciousness, with its own programmatic outlook or set of objectives and with common interests. Second, the new formation must exhibit a will to power, or a will to realize its purposes, so that in the course of its exertions, it will create its own institutions and bastions of strength. Neither of these is evident.

While members of this professional peerage have won positions of influence in government bureaucracies, they are indistinguishable politically from the corporation officers and lawyers who grace different government boards and commissions. Far from unveiling a new ethos, or giving anticipatory hints of one, the majority of the coming elect on the Atomic Energy Commission, in the Office of Science and Technology, in the Pentagon and in the Pentagon-financed think tanks, distinguished themselves as intellectual sharpshooters or systems technicians for military contractors and military brass. When a number of scientists opposed a crash program for the hydrogen bomb (on technical, not on ethical grounds), the generals and the White House crowd decided to disgrace Robert Oppenheimer to get the message across that the scientists were expected to be on tap, not on top. And the scientists had so little community of purpose or institutional strength that they could not put up a fight. Again it was demonstrated that social prestige is not to be confused with social power.

A final word on the changed inner spirit of technocracy. When Saint-Simon proclaimed the gospel at the birth of the Industrial Revolution in France, it was to counterpose rational order and planned opulence to the plunder, waste and empty posturing of feudal militarism. Technocracy spoke for the brotherhood of man, and Saint-Simonism became, in

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fact, the initiator of French socialism. It was a school of boundless creativity and fervor whose disciples founded millenarian sects, major industrial enterprises and modern sociology. Bell's technocracy, in contrast, is a jejune affair. He presses his vision with all the prophetic fire and pioneering zeal of a Brookings Institution report. The technical decision maker is counterposed to the ideologist; the "calculating and instrumental" apotheosized as against the "emotional and expressive." Where Emerson declared that nothing great was ever achieved without enthusiasm, Bell has composed a book to demonstrate that a new society will be ushered in with no more "ideology" and social passion than it takes to introduce a new automobile model. His post-industrial society has the allure of Aldous Huxley's Brave New World. □

Genius Will Get You Pretty Far

THE CART AND THE TRUMPET: The Plays of George Bernard Shaw. *By Maurice Valency. Oxford University Press. 463 pp. $12.50.*

NORRIS HOUGHTON

In a passage toward the end of *The Cart and the Trumpet*, Maurice Valency avers that Bernard Shaw "was, by all odds, the most important English dramatist since Shakespeare, and possibly the most influential spirit of his time, but . . ."

Mr. Valency is not the first literary and dramatic critic to apply these superlatives to GBS. He is also not the first to add that "but" to preface one or another reservation. Almost a quarter-century after his death, most of us are prepared to accept Shaw's own judgment of himself as a genius; yet for many of us there remains that nagging "but." Whence our reservations? Do they derive from lacks in ourselves or inadequacies in the character of the man, of his work, his ideas, his style, or the medium itself in which Shaw labored? Does it perhaps relate to the intellectual and spiritual climate that separates the 1970s from the 1870s? Mr. Valency's perceptive and provocative study of the plays of George Bernard Shaw goes a long way toward providing clues, both justifying the superlatives and resolving the "but."

The Cart and the Trumpet is not a biography. Archibald Henderson and Hesketh Pearson have left little reason for that chore to be undertaken again and Valency wisely takes a different tack: he chooses not to explain Shaw's body of work through bringing us closer to the author but to explain the man by bringing us closer to his work. In this he succeeds brilliantly. When he suggests, for instance, that "it is in Raina [the heroine of *Arms and the Man*] that Shaw redefined his innermost self, his ego, poised somewhat precariously between the conflicting elements of his nature"; when he goes on to offer, apropos of *Candida*, "the preposterous, but perhaps inescapable suggestion . . . that the Virgin Mother, lilies, crescent moon and all, is, at bottom, none other than Shaw himself," we are bound to sit up and take notice. We have probably long since accepted the idea that in John Tanner and in his apotheosis as Don Juan, Shaw has identified himself with the protagonist of *Man and Superman*. We can easily agree with Valency that "Don Juan in Hell essentially represents Shaw in Hell." But Shaw as Raina? Shaw as Candida!

This is perhaps minor, but it suffices, I hope, to indicate the freshness and originality of Valency's views, the unexpected ways in which he lays bare the man through his work. But while he is being fresh and original, Valency is also sharing with us his encyclopedic knowledge of late 19th-century arts and letters, already revealed in earlier works, notably his study of Ibsen and Strindberg, *The Flower and the Castle*. And he is exhibiting again that felicity of phrase and sharply witty command of the language that make him particularly congenial to his present subject, Bernard Shaw.

In the enormous output of "the Bard of Ayot St. Lawrence" there is admittedly much that is of less than earth-shaking significance and the Shavian scholar is hard put to persuade us that in the panorama from *Widowers' Houses* (1893) to *Buoyant Billions* (1947), there are not more valleys than peaks. Although he treats of them all, perhaps more fully than some of them deserve, Valency does not attempt the impossible. "But of the twoscore plays that have come from his shop, at least a half-dozen," he claims, "must be accounted of the first importance. With the exception of Shakespeare, not so much can be said of any English dramatist."

It is, then, to that half-dozen that Valency—and we—must turn our principal attention, however much we may be seduced into dallying over the charms of *Arms and the Man* and *Candida*, *Captain Brassbound's Conversion* and *Pygmalion*, *Androcles and the Lion* and *You Never Can Tell*. In point of fact, Valency does not identify which six of the plays he considers of the first importance, although obviously *Man and Superman*, *Heartbreak House*, *Back to Methuselah*, *Saint Joan* would take their places on most people's lists, and *The Cart and the Trumpet* focuses most searchingly on them and on *Major Barbara* and *Candida*.

Valency looks, I think, upon *Man and Superman* as the turning point in Shaw's intellectual and artistic development. With the Life Force at last coming into focus, Shaw has finally discovered the key for which he had been searching in his earlier work. It not only unlocks *Man and Superman* but all (or almost all) of the plays that follow. In the Life Force concept he finds his definition of God, and in the concept of the Superman, he finds his definition of his hero. Certain it is that from *Man and Superman* on, the plays become less and less "well-made," less and less concerned with character and action, and more and more concerned with the exposition of his philosophy, or perhaps it would be better to say, his ideological view of life.

In his chapter on *Heartbreak House*, Valency stresses a theme that informs much of Shaw's writing: men's quest—a misguided quest in Shaw's opinion—for illusions to protect them from the harsh realities of existence. As Valency puts it:

> *Heartbreak House*, like the Quarantine Station in Strindberg's *The Dream Play*, is a psychic cleaning establishment, where souls are purified of illusion. But the house itself is not proof against the process it engenders. . . . It is because these people come to see themselves as they really are that they suffer heartbreak. They have all been disillusioned in turn, and the loss of illusion is an unpleasant experience which one is inclined to share with others: the disillusioned are vindictive. Yet, it is intimated, heartbreak is the indispensable prerequisite to a meaningful existence. It is the only sure method of producing a realist.

In *Heartbreak House* Valency also notes what later in his book he takes much pains to develop—a tendency of Shaw toward symbolism. There would be few persons, I suspect, who would attach that label to Shaw's work, but Valency makes a reasonably good case for it. "In general," he admits, "the mood of Shaw's plays is as far removed as possible from that of symbolist drama. Nevertheless, in the major

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part of his career he was a symbolist." Of this play he writes, supporting its symbolist mood, "The magic of the play is in its power of evocation, which is immense, not at all in its line of reasoning, which is debatable." And earlier Valency has observed that "save for Wilde's *Salomé* . . . *Candida* may be considered the first symbolist play in England." On reflection I am inclined to give surprised acquiescence to the whole idea.

The Cart and the Trumpet provides less original insights into *Saint Joan*, but it does deal eloquently with that final triumph of Shaw's career. The tragedy of the play lies not, the author concurs, in the death of Joan but in "the eternal agony of a race that burns its saints." Although he likens the drama to a morality play in which the characters are essentially abstractions, with the result that they emerge "personally neutral and passionless," Valency is nonetheless prepared to conclude that "the drama it suggests quite staggers the imagination. It is arguable that the great masterpieces of the theatre are great not so much in themselves as in their power to intimate what cannot be written, but can perhaps be played. In this sense, one might reasonably assert that *Saint Joan* is a world classic as secure in its own right as *Don Quixote* or *Faust*."

So much, then, for the superlatives. What of that "but?" The fact is, of course, that George Bernard Shaw is an enormous pyramid of paradoxes and so is his dramatic writing. While on the one hand likening certain Shavian works to Dante's *Divine Comedy* and Milton's *Paradise Lost*, Valency is also able to say, quite reasonably, that George Bernard Shaw was simply "an exceptionally gifted journalist with a genius for dramatic writing."

I suspect that the reservation one feels, or at least the one I feel, is that in a genius of such high order one wishes for a poet as well as a thinker, a seer as well as a philosopher, for a heart that is as full as a head. It is not enough "to revolutionize society by writing for the stage," admirable as that (unachieved) ambition may be.

Indeed, the explanation for the "but" may, in fact, lie in this book's title: Valency has drawn it from an early Shavian preface. "Like all dramatists and mimes of genuine vocation, I am a natural born mountebank. . . . The cart and trumpet for me." But what most of us want as accompaniments for our greatest men are chariots and thunderbolts. □

The Lady Was an Original

GROUP PORTRAIT WITH LADY. *By Heinrich Böll. Translated from the German by Leila Vennewitz. McGraw-Hill Book Co. 405 pp. $7.95.*

CHARLES LAM MARKMANN

"I had only one relentless, terrible desire, I wanted to eat and stay alive." That is how the eminent music critic of the group that populates Heinrich Böll's new novel, a certain Dr. Herweg Schirtenstein ("a man for whom even a Monique Haas had respect"), describes his mental and emotional state in the last months of World War II.

The same sentence may fairly be said to epitomize the lifelong attitudes of all the other members of the group of sixty persons who surround the lady. Leni Pfeiffer also wanted to eat and stay alive, but she had many further and greater desires, of which few, if any, were shared by the persons around her. Like all Böll's women, she is created with love and respect for her humanity: he is no Roth or Mailer.

Leni is an original because all she cares about is essences, whether of persons or of things. It never occurs to her not to want, or wanting, to deny herself, the book of a Marxist or a Jew or the love of a Russian prisoner ("the Soviet individual") simply because some abstraction has decreed that Marxists and Jews and Russians are evil and taboo. (Yet at 11 and again at 12 she was voted "the most German girl in her school.") No more does it occur to her, after she has inherited a valuable apartment house, to profit from the postwar housing shortage when people she knows—and strangers too—can barely afford shelter of any kind; nor to assure her future "security" by selling the land and building at a handsome profit. During the Nazi-time, as the Germans call it, no one understood her; her unconcern for "cashing in" when the Nazis' successors in Bonn worked their economic miracle, and her indifference to taking any part in it, made her even more incomprehensible to her fellow survivors, as to their sons and daughters.

Group Portrait With Lady is hard on those whose approach to Germany and Germans is the demonological; it is even harder on those whose approach to literature is the sociological, for whom literature itself has endowed one with a certain pity, in which Böll seems here to have some measurable part. When the Nobel Prize was awarded to him in 1972 one felt a considerable gratitude—and at least as much puzzlement—that the world should even for a moment have caught itself in its dedicated confusion and degradation of values. Generally, too, the prize tends to be conferred when an author has passed his peak, so that cynics are moved to observe that it is a good thing the committee waited no longer. But this novel does honor to the honor bestowed.

Anglo-American readers (though Anglo a shade more than American) have cause to be grateful too for the choice of the translator. Leila Vennewitz, like Ralph Manheim and William Weaver, is one of that minuscule band the members of which never allow translation to be less than an art. No writer's style is easy to transplant from one language to another; and, when the roots are bedded in German and the new soil is English, the perils are much compounded and the fruit may well go bad. But even the German idiosyncrasy of replacing key words with initials comes through as natural and as clear in English as in German. Awarded a prize in Britain four years ago for her translation of Böll's *End of a Mission*, Mrs. Vennewitz ought surely to receive another for her work on this book.

True, there are no pyrotechnics or gymnastics of desperate "innovation" to plague the translator—or the reader. Quite as if no one had ever made a cult of these stylistic exhibitionisms, or of the Simple-Simon insults to the written word that have begun to pass for literature most lucratively in this country, side by side with the half-calculated, half-unconscious sadomasochisms of cloistered professors trading as novelists, Böll never turns his back on the high culture without which literature would never be. But there is in him none of the ponderousness of Mann or the vaporing of Hesse, those lay figures stuck in the window by professors of literature, just as there is—equally mercifully—nothing of the strident melodrama and questionable exploitation of shock so frequent in Grass. Rather, one is reminded at once of a German, or German-Austrian, novelist far greater and infinitely less appreciated than any of these: of Robert Musil. And, perhaps surprisingly, of two Anglo-Irish writers, clergymen both: Sterne and Swift. Böll is a believing, if anti-clerical,

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Catholic: reflecting on this, and on much of what Sterne and Swift wrote, one cannot help wondering whether there may not indeed be a more than casual connection between a thorough religious foundation and the cosmic comic sense that one finds in all three men (and in the lapsed Catholic, Joyce)—a comic sense that is inseparable from the fundamental tragic essence of all of them, and probably from the preservation of sanity. Like them and like Musil, too, Böll is never insensible of the bond that still survives between the humanities and the human.

In form *Group Portrait With Lady* purports to be the notebook in which the Author (more generally referred to as "the Au.") records and reflects on his conversations concerning Leni with the various members of the group, not all of whom know one another; and it is essentially through her, through their intersections with her, that almost all these sixty persons are themselves finally realized—as, for that matter, is "the Au." too. The tone is almost uniformly a kind of straight-faced subtle parody of that of the notorious *nouveau roman* and, like it, virtually indistinguishable from the rigorously detailed, sedulously impersonal report of a laboratory research assistant or a government functionary. But this is only a seeming: the very exhaustiveness of the detail renders all the portraits in depth with the constant further dimension of the delicate presence and the tacit compassion (even when mingled with reproof) of "the Au."—who, like his creatures, has seen his country and his countrymen through two wars, two revolutions of sorts, four regimes, some sickening baseness, some occasional heroism, and much blind self-centered struggle for survival.

If Leni is the perfect sensualist—the disinterested omni-sensualist—and the mystic *manquée* (often, after all the stations have signed off, she sees the Virgin Mary on the television screen and they exchange smiles, she and this Virgin as blonde as herself), delighting in Schubert and Hölderlin, the group of which she is the focal point is at once much simpler and far more complex. There are no monsters in it, though some of its members come at times perilously close, perhaps without knowing and certainly without attending, to monstrousness; there are surprisingly many surprisingly decent people; and it is worth pointing out that their impact sets one almost without will thinking again about the people outside books, compelling one to take notice of their infinity of grays. If the study of literature is indeed, as it has been said to be, the study of the making of moral choices, then *Group Portrait With Lady* is an indispensable text.

Who belongs to the group? and who is to sit in judgment? There is, for example, the exalted personage, insistent on anonymity, who was able to obtain specially favored treatment during the war for "the Soviet individual" who, as a prisoner of war, became Leni's lover (Boris' father, before 1939, had been a Russian attaché in Berlin and the exalted personage's friend; and they had been able to renew contact across the Eastern front). There is Sister Rahel, born Ginzburg, redeemed from socialism and Judaism and given refuge until her death in a convent where the nuns at the same time exploited her. There is Leni's best friend, dying of syphilis among cynical nursing sisters. There are those other, various nuns whom "the Au." must learn to know and one of whom he transforms into an earthly bride. There are Jesuit I and Jesuit II, hundreds of miles apart and almost identical twins in their reactions. There is Liane Hölthohne, once Elli Marx, doubly proscribed as a Jewess and as a Rhenish Separatist, who loved her Rhineland too much to remain in the safety of France and who, with false identification as an "Aryan," was protected by the Nazi (former Communist, former pimp, enterprising florist, later a minor real estate magnate), Pelzer; he also sheltered Leni and the Soviet individual, Boris, partly out of common decency, partly to establish a line of credit with the Americans when the inevitable happened. There is Leni's conscript brother, Heinrich, whose letters home consist only of excerpts from army regulations, and who, on occupation duty in Denmark, tried to help the Danes and was executed shouting: "Shit on Germany!"—an involuntary illustration of Frau Hölthohne's aphorism, "Lack of conscience makes a person healthy." Frau Hölthohne, in fact, incarnates a whole aspect of German history in her devotion to her chimerical Rhenish Republic throughout the epochs of Weimar, the Nazis and the new Bonn government, and in her passionate hatred of all the other German states, but particularly of those that hate each other most fiercely, Prussia and Bavaria.

Heinrich Böll does not hate: at least, he hates only evil, not persons. I mentioned his kinship with Musil: it is especially notable in their shared disappointed love of man, as well as the ultra-refined satire of the understated prose imbued with that love. Even Böll's quietly scornful demolitions of what he calls sexotheology, pornotheology and its concomitants are not without comprehension and compassion. The humility of "the Au." before the New Nabobs of Christian Democratic Germany, to say nothing of his deference to the skillful survivors whom no debacle could keep long or far from their accustomed places at the top, the endearing hypocrisy with which he pretends to share the general pitying bewilderment at Leni's disinterestedness even if he does not emulate those whose amazement by no means estops them from taking advantage of it—all these are more damning than a volume of excoriations.

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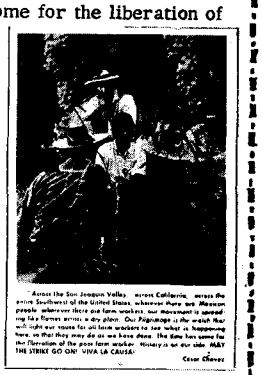

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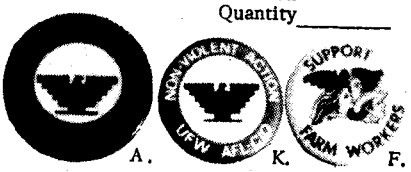

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achievement of this novel so ostensibly like a compendium of dossiers (even the height, weight and identifying marks of every character are duly recorded) is the richness of feeling and perception with which Böll has given life to his rigorously bureaucratic format. One cannot recall any German novelist of any period so sensitive to the truly erotic and so gifted in investing a whole novel with an erotic climate never dependent on or confused with the prurient or the clinical or the sheerly meretricious. Just as this novel is compact of drama without ever being theatrical, of the quiet intricate drama of persons against the all-but-taken-for-granted melodrama of history, so *Group Portrait With Lady* is alive with love, with eros at its fullest and richest. □

Healthy Work in the Open Air

SWEATSHOPS IN THE SUN: Child Labor on the Farm. *By Ronald B. Taylor. Beacon Press. 216 pp. $6.95.*

PHILIP SHABECOFF

Several years ago a German-Jewish journalist named Inge Deutschkron wrote a book about the fate of children in Nazi concentration camps. The book was called *For Theirs Was the Hell.* Miss Deutschkron explained that she had written the book in the hope that the suffering of little children would open the hearts of Germans who seemed to have grown callous and indifferent to the continuous revelations of horrors perpetrated on adults in Hitler's death camps.

Miss Deutschkron's explanation rose hauntingly to mind while reading Ronald B. Taylor's *Sweatshops in the Sun,* a detailed, harrowing examination of the exploitation and maltreatment of the children of migratory farm workers. The poverty, hunger and disease among our migrant work force have, of course, long been a national disgrace. But except for periodic bouts of conscience pricked by a novel such as *Grapes of Wrath* or a headline about Cesar Chavez, Americans prefer to ignore the condition of migrants, smugly pretending that such suffering cannot exist in this rich, enlightened country.

Perhaps we will find it more difficult to turn our backs on the fate of the child farm workers described so vividly in Mr. Taylor's fine, compassionate book. The children, like their parents, are cheated, suffer from malnutrition, live in noisome shacks and are systematically stripped of their dignity. But more, they are robbed of their childhood and their future in order to insure the farmers, particularly big corporate agribusiness, an abundant supply of cheap, docile labor—until such time as it is economically feasible to do away with human labor entirely through mechanization.

The basic fact upon which Mr. Taylor builds his book is this: every year hundreds of thousands of children are illegally employed by farmers, with the tacit approval—and sometimes the direct assistance—of federal and state government, in unhealthy, dangerous and debilitating agricultural work.

Child labor is one of those abuses we assume disappeared shortly after the turn of the century. In fact, as Mr. Taylor points out, not only is child labor still with us but it is rapidly expanding. In agricultural labor alone, the number of employed children under 16 years of age more than doubled between 1960 and 1970, and at the end of that period, the total number had reached 800,000.

The Nixon Administration, business and profit oriented, has done little to discourage this trend. On the contrary, with its support of a sub-minimum wage for young people the Administration is encouraging employers to fire fathers and hire their children.

The exploitation of children is justified by farmers and governmental authorities with the hypocritical contention that farm labor is healthy, safe work that teaches children the value of honest toil in a wholesome environment, while giving them a chance to earn money when on vacation from school. Taylor quotes a California grower as saying, "It don't hurt kids to pick a few peppers out there, or a few grapes. It's against the law, I realize, but hell, they been doin' it for years."

He also records a self-serving statement by the Council of California Growers: ". . . many farm worker families consider it their right to take their own children with them into . . . a shady orchard or vineyard, the fresh cool environment of a coastal lettuce field or a lush tomato field of a summer. Some of these families consider it a basic freedom to allow their children to learn at an early age whatever values there are in earning a living. . . ." By coincidence, bringing children to work in those shady orchards and teaching them basic freedoms and values, also helps depress wages and increases profits for the very same growers.

Taylor, a West Coast journalist whose early values were, by his own admission, those of a "cowboy conservative" who "firmly believed in John Wayne," has observed and talked with the rural poor for many years—long enough, in any case, to have been shocked out of any complacent acceptance of their poverty and helplessness. He rejects the safety and wholesomeness of farm work for children as a macabre myth—and documents the charge: farm work was not safe for Jimmy Brooks, who, after inhaling insecticide sprayed from an airplane while he was working in a New Jersey tomato field, died of chemical pneumonitis one week before his 10th birthday; nor was it safe for Michael Hays, the 14-year-old son of a migrant farm worker, who was bumped off a tractor driven by a 13-year-old while laying pipe on a bean farm in the Willamette Valley of Oregon—he was dead three hours after one of the large tractor tires crushed his chest. These are not isolated incidents, as Taylor makes chillingly clear. "The farm," he concludes, "can be a very dangerous place for children."

The work performed by children in the fields is usually not the kind that could be called pleasant, either. Up before dawn to seek work at the shape-up, the children often spend all day in the blazing sun, crawling around among the strawberries or other fruits and vegetables, and are often required to drag loads that are heavy for an adult. Kept out of school to earn money, they fall further and further behind other children of their age and, before they are grown, are hopelessly trapped in the migrant cycle.

Taylor quotes a terrifying judgment about these children by Robert Coles, the Harvard psychiatrist who wrote *Children of Crisis*: "When a child is 10 he ceases to be a child."

Why is child labor available on the farms? Because, Taylor asserts, "the children are powerless. They are used by their parents, exploited by farmers, left unprotected by the government." Migrant workers do force their children to work; in order to survive they must have the income their children bring in. Taylor shows that the migrants admit with shame that their children must toil in the fields. But without the dollars their children earn, they would be unable to afford the necessities of life.

Philip Shabecoff is a Washington correspondent of The New York Times, *specializing in labor and economics.*

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Taylor tries to avoid what he calls 'the emotional trap of choosing up sides and arguing 'good guys' and 'bad guys.' " But there are bad guys responsible for the suffering of these migrant children. One is the farmer, particularly the big corporate farmer, who uses the nation's demand for a cheap supply of food to lobby successfully against the enforcement of fair labor standard laws that would interfere with his supply of low-cost child labor. The same farmer extols the virtues of free enterprise while accepting subsidy payments from the government with both hands.

But the real villains of this book, whether Taylor intended it or not, are the government officials charged with enforcing the law and protecting the children, and who systematically connive with agricultural interests to evade the law so that the cheap labor of children is available to insure the profitability of agri-business.

There is, for example, the Labor Department's Rural Manpower Service which, dominated by the grower interests, acts as agent of the farmers to recruit children instead of protecting and assisting the farm worker. There was the judge who ordered that the penalty for a pilot, who flew into and killed a child working with him, be a warning letter because "this is the first known offense." Another judge, Paul E. Howard of the Firebaugh Justice Court in the San Joaquin Valley, asserted that "My opinion, and most of my decisions, are based on the fact that I believe they should allow—not only allow but foster—the use of minors and juveniles in farm work."

And then there is the Department of Agriculture which, among other things, has been known to cut off aid to needy families in rural areas at harvest time, according to Taylor, because "a hungry family will work without questioning the pay."

There are some heroes in this book: A federal wage and hour area supervisor in Ohio, a Rural Legal Assistance worker in Florida, a public health official in Texas. But Taylor makes it clear that such men are too few to achieve justice and equity for migrant workers and their children. What is needed, Taylor says, is strict enforcement of the child labor laws, and an adequate wage and a steady job for the parents so that their children's labor will not be needed to keep the family alive.

There is only one way that these goals can be reached as Taylor sees it: the migrant workers themselves must achieve sufficient economic and political power to force justice out of the farmers and government. And the way they can achieve that power is the way workingmen in the rest of the nation have done it—by organizing into a labor union. The road to salvation for the children of the migrant rural workers must be built with organizations such as Cesar Chavez's United Farm Workers Union.

Ironically enough, the suggestion comes as the UFWU is threatened with extinction as a result of an agreement between grape and lettuce growers in California and the International Brotherhood of Teamsters. □

ART

LAWRENCE ALLOWAY

Henry Nash Smith's *Virgin Land: The American West as Symbol and Myth* is one of the key books cited in the spare references of the catalogue to the exhibition, "The American Frontier: Images and Myths," at the Whitney Museum (until September 16). Elsewhere Smith has referred to the restrictions imposed on interpretation by "the New Criticism [which] has made it extraordinarily difficult to relate literature to the culture within which it occurs and of which it is indisputably a part." Corresponding to this in the visual arts is the isolation of painting from its host culture by overemphasis on purely visual features. Patricia Hills, associate curator of 18th-19th Century Art at the Whitney, who arranged "The American Frontier," has overcome this separation of art and culture admirably.

Both in the choice and hanging of the works and in the argument in the catalogue, she reveals a firm and unified critical opinion. She has made shrewd use of the ambiguity of her subtitle, "Images and Myths." In one sense, images are the realistic representations of the frontier and "myths" are tacit but not directly perceived patterns of belief. In another sense, the images and the "myths" are not easily separable, for the image that is given is frequently shaped by the implicit "myth." Hills is acute in her sense of the phantasmagoric quality of veridical imagery, alert to the ideology behind iconography.

She points out that "the conception of the Indian as savage, 'primitive,' and outside the society of the white man, sanctioned the inhumane treatment of the Indians and their removal to reservation camps. The visualization of the American pioneer as the super-hero encouraged Western migration, justified geographical expansion, and fostered ideas about 'rugged' individualism." "Muesum," the exhibition arranged by participants in the Whitney Museum's Independent Study Program (*The Nation*, April 30), included job descriptions by the museum staff. Hills's statement included this: "my study of past American art has brought me to the recognition that all art reflects the myths of society—the collective fantasies of the patrons of art." The frontier as a theme provides her with both the legible imagery and the historical evidence that a post-formalist discussion of art requires.

In the catalogue, and to some extent in the hanging, the paintings are grouped according to subject matter: the American wilderness, Indian life on the prairies, scouts and trappers, the Daniel Boone legend, the coming of the railroad, and so on. The effectiveness of this approach can be gauged by reference to, for example, the section on the railroad. Thomas Pritchard Rossiter's "Opening of the Wilderness" shows a congregation of trains, steam up, about to depart westward at dawn, a sharp image of technology against nature. Thomas P. Otter's "On the Road" contrasts the smooth straight progress of a train with the lurching passage of a wagon on a road that leads *under* the track. Theodor Kauf-

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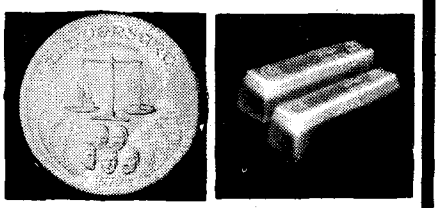

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mann's "Railway Train Attacked by Indians" is spatially taut, a night scene with Indians in ethnic close-up in the foreground, contrasted to a distant spot of light on the approaching train; the contrast is given again with the *stone* ax dropped beside the wrenched-up *iron* rails. An iconographical subgroup worth noting is that of miners' genre scenes of all-male boisterousness or camaraderie.

The painting of the frontier is a narrative art and one keyed to nationalistic expectations. Its public status as popular culture has greater weight in determining its meaning than do the personal obsessions of the artists or the internal craft and operational traditions of painting itself. From Thomas Cole, one of the earlier artists shown, on through the century, most of the artists' paintings were engraved and distributed widely as prints. In their engraved form the currency of the works as topical imagery outweighed other aspects, though the artists themselves did not deny an art audience. As Hills informed me, most of the works were usually shown in Eastern art exhibitions. There was, then, a two-leveled audience, and obviously a double meaning, but the dominant meaning, as Hills shows, is the expressive cultural one, not the more specialized aesthetic one. Thus the patrons of art whose "collective fantasies" are a shaping factor in art should not be thought of as only the collectors but include also the large audience for multiple originals, for prints. It is owing to the ability of these artists to address crowds that connections can be made to Western movies, also a mass art.

Hills has restricted her exhibition to the period when there really was a frontier (defined in Frederick Jackson Turner's archaic language as the "meeting point between savagery and civilization"). She quotes the Superintendent of the Census as determining that by 1890 there was no longer a frontier line. Thus the myths she concentrates on are those that accompanied and supported the real Western movement. She points out that movies keep the myth going, but does not include the work that carries the active frontier period, let's call it, into the 20th century. Charles Russell is too late for her and so is Remington. However, the perpetuation of the myth beyond its effective original function is also interesting, and I regret she terminated matters so abruptly. The later Western scene artists, no less than the ones she shows, operate on a border between the traditions of fine art and popular culture. The genre subjects of the 17th and 18th centuries are adapted to the American situation and, at the same time, a big popular audience is reached by the intensification of incident and the accessibility of subject matter. N.C. Wyeth was trained as a "fine" artist but worked as an illustrator, an extension of the fine art-popular culture crossovers we get in Arthur F. Tait and William Ranney (both well seen at the Whitney). From Wyeth a line can be traced to the Western movies, but Hills, though pointing this out, omits the work that actually makes this possible.

Given her strict view of the frontier, then, it clearly ended in California and there is a good group of glamorous mountain paintings from the coastal range. She adds to the catalogue, though it is not included in the exhibition, William Hahn's "Market Scene, Sansome Street, San Francisco" which she calls "the city of the West." However, this busy urban scene is more like W. P. Frith's "Life at the Seaside (Ramsgate Sands)" or "The Railway Station" than it is like real frontier pictures: it celebrates the complexity of settlement, not adaptation to the wilderness. It is the same in the movies: films about old San Francisco are not real Westerns either, but shade off into other genres. □

FILMS

ROBERT HATCH

On my way up Fifth Avenue to see Jacques Tati's *Playtime*, I passed a group of six or seven Japanese gentlemen, each wearing a tour badge, each coping in the light breeze with a large map of Manhattan and each with a camera slung over his shoulder. I smiled to myself at this tableau of the cliché, and understood what Tati was getting at when he spoke, in a preface that has been added to the picture, of the comedy innate in people caught unawares. It is not necessary to invent clowning, was Mr. Tati's conclusion; we are a sufficiently clownish species and it is necessary only to be on the lookout.

True enough, but unfortunately *Playtime* does not demonstrate the thesis, and the difficulty arises, I believe, from the disparity between art and happenstance. If Tati, as he might well have done, had inserted my Japanese visitors into his film, they would not have amused me at all. They were funny because they did not intend to be; as soon as you add intention to that sort of situation it turns obvious and flat. Thus, a main ingredient of *Playtime* is a gaggle of American women on the "all-inclusive, with champagne dinner" tour of Paris. They affect an incongruous girlishness, declare the most unlikely objects to be cute, mispronounce French in happy ignorance, and wear hats that seem to have come from pastry kitchens. I enjoy that sort of hat when I encounter it, but when Tati dishes it up for me, I think: "funny hat; so what?" Humor *trouvé* is one of the joys of life, but when a comedian apes it the spontaneity, and thus the joy, are gone.

I think Tati discovered this to be so (hence the somewhat defensive prologue) when he went to work on *Playtime*, for he took to fidgeting with his effects, adding little idiocies to guarantee chuckles over situations which out in the street would require no extra spark. Thus a baggage tag twirls (implausibly) like a pinwheel on the attaché case of the world's tiniest millionaire. And having imagined that a traffic circle is a merry-go-round, Tati tries to make sure that the whimsical notion gets across by having a girl on the pillion of a motorcycle rise and sink as though riding a wooden horse. But why should she do so, except that Tati told her to? Humor also needs to obey its own logic.

In the introduction, Tati also remarked that there are no Buster Keatons around these days, and he did what he could to prove that assertion. *Playtime* lacks rhythm, generates no momentum and does not sense when enough is enough. Keaton, Chaplin, the Marx Brothers, W. C. Fields were all masters of the proliferating gag, the zany domino effect, that induced cascading laughter to the danger point of convulsion. Tati used to do it (see *Mr. Hulot's Holiday* or *Mon Oncle*), but now he seems to be building his japes in some shop and assembling them on the site. You say "ha, ha"—if you do—and that's that. And since this mode of construction is laborious, he has a fatal habit of repeating gags that seem promising. A cushion that sighs alarmingly when sat upon is exceedingly vulnerable to the law of diminishing returns.

This carpentered tomfoolery appears to poorest advantage in the film's big scene—a night club that opens before the paint is dry or the waiters have learned the way to the kitchen. Disasters proliferate, but they do not pyramid; things fall apart, but not with the escalation of pandemonium that would prevent you from asking why the rich patrons do not simply get up and go home. In short, there is a great deal of programmed confusion, but very little of the madness that liberates the soul.

Playtime, made in 1967, is set in Paris of tomorrow, and for that Tati has constructed a chrome and glass vision of anonymity that was perhaps more prophetic than he could have guessed even

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six years ago, given the aspirations to megalopolis of the Pompidou government. Paris is being refaced very rapidly —in another few years Sixth Avenue may begin at the Etoile. Tati gets some grim pleasure out of this ambience of clicking iciness, commenting on the spastic dehumanization encouraged by the Late Laboratory style of architecture and working changes on the frustration of mazes, a theme that has always attracted him.

Tati's alter ego, Mr. Hulot, is appearing less and less prominently in his later pictures, and it may be that the character is wearing out. It was a fine caricature, with its strangulated gestures, aborted lunges, perilous umbrella and disastrous officiousness, but it lacked empathy. You can laugh at Hulot, but you cannot (at least, I cannot) recognize yourself in him, as you can in every durable clown. Chaplin, Keaton, Groucho, Fields made you laugh at yourself as well as at them. That can be a trying experience, but it never becomes tedious. So Tati has a problem, because without Hulot at the center he lacks the seed from which his films can organically grow.

Prison Guard is an awkward little Czechoslovak film, written and directed by Ivan Renc. It is awkward because it employs an archaic camera style, naive story details and rather primitive acting, as though seeking to beguile with screen nostalgia, but uses these devices to tell a shocking story.

Pepa (Jiri Hrzan) is a neophyte prison guard, son of a policeman, who lives with his widowed mother. He is a model youth, gullibly kind to the prisoners and unfailingly sweet to his doting mother. At the same time, he relieves his "tension" by taking his dog for daily walks to a nearby abandoned house foundation and there beating it with a club until he achieves what closely resembles orgasm.

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AUTUMN

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streams
the leaves
flow
in the current
of the Fall winds
that hand pick
the crackling
colors

and make
rivers of the skies

Emanuel di Pasquale

This youth's recurring daydream is that he is the intrepid keeper of a lighthouse. To implement this fantasy, he has persuaded the village sexton to admit him to the church tower at the hour of bell ringing, so that he may gaze out over an imaginary sea. Thus he meets, and marries, the sexton's foster daughter (abused by the village yokels as having been abandoned by gypsies). He brings the girl home to mother and consummates the union by stroking her leg and kissing her foot.

Back at the prison, Pepa has been hoodwinked by one of the resident rascals. The young guard lets him escape and the man turns up at the house and eventually runs off with the unfulfilled bride. This multiple misfortune effects a radical change in Pepa: he becomes a sadistic tormentor of the inmates under his charge (thus earning a promotion) and henceforth treats his dog with the most indulgent affection. Mother and son continue life together in the old happy way.

I write this a little sardonically because the film's style encourages that tone, but in fact the content horrified me. What we are shown is a deranged, probably deficient, young man who practices his perversions on beast and man, undetected by a foolish community. Undoubtedly the film's purpose (it is banned in Czechoslovakia) is to call attention to the fact that the regime rewards cruelty and punishes charity. In fact, though, Pepa was in bad odor with the prison authority for such lapses as forgetting to lock doors and doing special errands for favorite prisoners and, though there are petty tyrants about the place, the demented young man is the only one shown to practice overt cruelty.

Perhaps in Czechoslovakia you have to operate very obliquely, but it is difficult to base social criticism on the behavior of the seriously deranged, and the more so if you tell a horror story in the manner of Richard Barthelmess innocence. □

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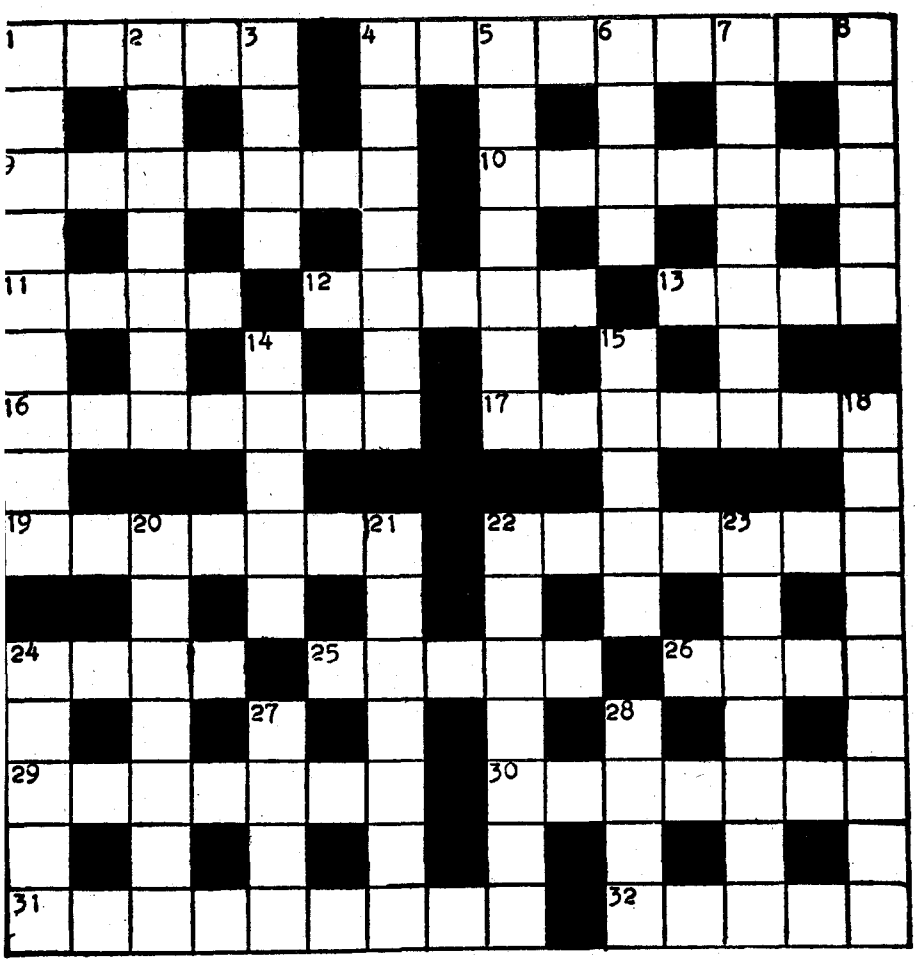

ACROSS

1 and 4 It's obvious that Dumb Dora isn't very good-looking! (5,3,6)
10 For one who drinks, a man working on the roof perhaps gets around very quietly. (7)
11, 26 and 3 down Blow the whistle on the worker to fix something? How some fight! (5,3,4)
12, 28 down and 15 down Accordingly, one couldn't expect to get into the subway again this way! (2,3,4,5)
13 and 2 down Finished, if you don't like your fried eggs runny! (4,3,4)
16 Charred, perhaps, by the British. (7)
17 And how the pot might be 16? (7)
19 What a plane might be doing between flights? (7)
22 Pyrrho, or perhaps Thomas, as they seem to imply? (7)
24 and 9 across They engaged in a famous tumbling act. (4,3,4)
25 Most loving mere this? (5)
29 Mr. Klein in Moscow? (7)
30 Lock washer? (7)
31 The fruit of disapproval. (9)
32 Acts like an anodyne. (5)

DOWN

1 and 24 down Not necessarily the utilitarian one of the pack—though one might surprise you. (9,5)
2 See 13 across
3 See 11 across
4 Shown by several lay educators to be somewhat put down. (7)
5 Leaves a person in more than one form of depression, by the way. (7)
6 Could cause a certain amount of mischief when a British politician is about. (7)
7 One who makes way about the French? It's just talk! (7)
8 Subject of Shakespearean comedy? (5)
14 Fantastic caper? I can't get involved with it! (5)
18 Certainly not permanent leaves with such things. (9)
20 A bad uncle, Uncle Sam! That's the heart of the matter! (7)
21 Said to be descriptive of one who used to croon. (7)
22 Secretly look around what's on the edge of the lid—it's rather sensational. (7)
23 He plagued the man from Virginia with a long hike like this. (7)
27 Suit in which the organization man might be likely to show up. (4)

SOLUTION TO PUZZLE NO. 1497

ACROSS: 1 Make a bolt for it; 9 Network; 10 Rondeau; 11 Halter; 12 Windlass; 14 Drawing; 15 Dwell; 17 Solid; 19 Infuses; 21 Mandamus; 23 Ferret; 25 Kitchen; 26 Diabolo; 27 Gets down to work. DOWN: 1, 21 down and 16 Many hands make light work; 2 and 8 Kettledrums; 3 Aforesaid; 4 Oaks; 5 Turning off; 6 Owned; 7 Iterate; 13 Diminuendo; 15 Desperado; 18 Lunette; 20 Serioso; 22 Athos; 24 Eden.

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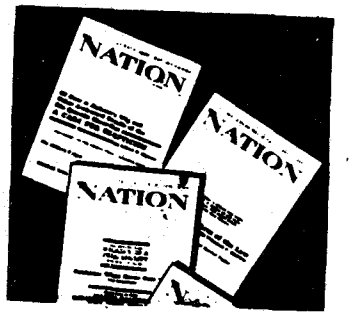

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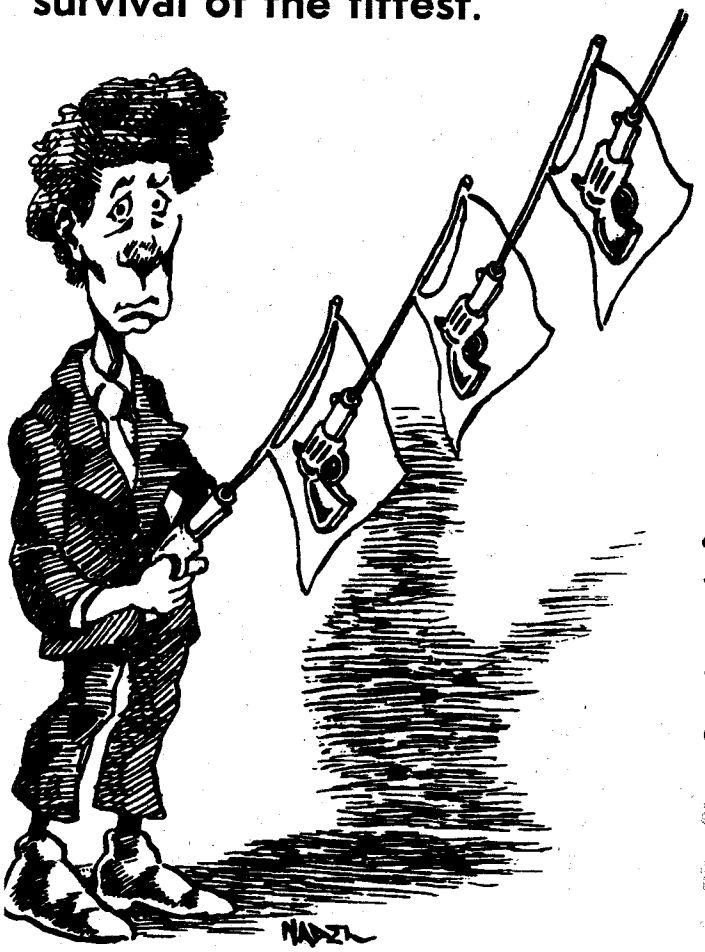

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